5180. By Mr. MURPHY: Petition of 65 citizens of Belmont County, opposing the amendment to the Wadsworth bill; to the Committee on Immigration and Naturalization.

5181. Also, petition of citizens of Glencoe, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill benefiting the soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

5182. By Mr. O'CONNELL of New York: Petition of the Ladies' Auxiliary of the Federation of Post Office Clerks, Local 251, Brooklyn, N. Y., favoring the passage of House bill 5041 and Senate bill 2309; to the Committee on the Post Office and Post Roads.

5183. Also, petition of the Maritime Asociation of the Port of New York, protesting against the United States Government entering into any arrangement for the construction of the St. Lawrence waterway; to the Committee on Rivers and Harbors.

5184. By Mr. PHILLIPS: Petition of citizens of Lawrence County, Pa., urging Congress to take immediate steps to bring to a vote a Civil War pension bill in order that further relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5185. By Mr. REED of New York: Petition of citizens of Alfred, N. Y., urging action on a Civil War pension bill; to the Committee on Pensions.

5186. By Mr. ROWBOTTOM: Petition of Mrs. Nancy E. Ulen and others, of Fort Branch, Ind., that the bill increasing pensions of Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

5187. By Mr. SWING: Petition of certain residents of San Diego, Calif., urging the passage by Congress of a bill granting increase of pensions to Civil War veterans and the widows of Civil War Veterans; to the Committee on Invalid Pensions.

5188. By Mr. THATCHER: Petition of sundry citizens of Louisville, Ky., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5189. By Mr. VINCENT of Michigan: Petition by residents of Edmore and Portland, Mich., in favor of increases in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5190. By Mr. WOODYARD: Petition of citizens of Spencer, W. Va., relative to pension legislation; to the Committee on Invalid Pensions.

5191. Also, petition of citizens of Williamstown, W. Va., relative to pension legislation for soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

5192. Also, petition of citizens of Point Pleasant, W. Va., favoring pension legislation relative to soldiers of the Civil War and their widows; to the Committee on Invalid Pensions.

5193. By Mr. WURZBACH: Petition of J. H. Savage, Charles W. Swain, P. A. Rollett, and 28 other residents of San Antonio, Tex., favoring pending legislation to increase the rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

5194. Also, petition of A. Zimmerle, J. F. Combs, J. T. Jackson, and 1,292 residents of San Antonio, Tex., opposing the compulsory Sunday observation bills; to the Committee on the District of Columbia.

5195. Also, petition of A. E. Richey, R. C. Cahill, Otto O. Brown, and 467 other residents of San Antonio, Tex., opposing the compulsory Sunday observation bills; to the Committee on the District of Columbia.

SENATE

THURSDAY, *January 20, 1927*

(Legislative day of Tuesday, January 18, 1927)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Fess	Greene
Bayard	Couzens	Fletcher	Hale
Bingham	Curtis	Frazier	Harris
Blease	Dale	George	Harrison
Borah	Deneen	Gerry	Hawes
Bratton	Dill	Gillett	Heflin
Broussard	Edge	Glass	Howell
Cameron	Edwards	Goff	Johnson
Capper	Ernst	Gooding	Jones, N. Mex.
Caraway	Ferris	Gould	Jones, Wash.
Kendrick	Neely	Reed, Pa.	Stewart
Keyes	Norbeck	Robinson, Ark.	Swanson
King	Norris	Robinson, Ind.	Trammell
La Follette	Nye	Sackett	Tyson
Lenroot	Oddie	Schall	Wadsworth
McKellar	Overman	Sheppard	Walsh, Mass.
McLean	Pepper	Shortridge	Walsh, Mont.
McNary	Phipps	Smith	Warren
Mayfield	Pine	Smoot	Watson
Means	Pittman	Steck	Wheeler
Metcalf	Ransdell	Stephens	Willis

Mr. GERRY. I wish to announce that the Senator from Maryland [Mr. BRUCE] is necessarily detained from the Senate by illness. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2301. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims;

S. 4537. An act to amend the Harrison Narcotic Act of December 17, 1914, as amended, and for other purposes; and

H. R. 7555. An act to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, and for other purposes.

PUEBLO LANDS BOARD (S. DOC. NO. 197)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, reporting relative to the operations of the Pueblo Lands Board and transmitting certain reports of that board, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

THE FIVE CIVILIZED TRIBES

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, reporting, pursuant to law, relative to expenses of the administration of the affairs of the Five Civilized Tribes in Oklahoma ("the reports in question, which are voluminous in character, have been forwarded to the Speaker of the House of Representatives"), which was referred to the Committee on Indian Affairs.

DISBURSEMENT OF PUBLIC MONEYS

The VICE PRESIDENT laid before the Senate a communication from the Attorney General relative to the practice of deputies drawing official checks on the Treasury of the United States signed in the name of the marshal or disbursing officer by the deputy who has been designated and authorized by the disbursing officer so to do, and commending certain proposed legislation to be recommended by the Treasury Department to be included in a general bill applicable to all disbursing officers or officers, persons, or agents who may be charged with the custody or disbursement of public moneys of the United States or funds held in trust by the United States, exclusive of officers or employees of the Post Office Department, which was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Mr. DILL presented a memorial of sundry citizens of the State of Washington, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, which was referred to the Committee on the District of Columbia.

Mr. WILLIS presented petitions of sundry citizens of Cincinnati and vicinity, in the State of Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. JONES of Washington presented memorials of sundry citizens of Bellingham and Vancouver, in the State of Washington, remonstrating against any modification of the existing immigration law, which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Bellingham, in the State of Washington, remonstrating against the passage of the so-called Wadsworth-Perlman bill or any other measure tending to void the provisions of the existing immigration law, which was referred to the Committee on Immigration.

Mr. OVERMAN presented a memorial of sundry citizens of Wilmington, N. C., remonstrating against the present policy

of the United States Government in connection with Nicaraguan affairs, which was referred to the Committee on Foreign Relations.

He also presented resolutions of George Washington Council, No. 67, Junior Order United American Mechanics, of Wilmington, N. C., protesting against the present policy of the United States Government in connection with affairs in Mexico and Nicaragua, which were referred to the Committee on Foreign Relations.

Mr. COPELAND presented a telegram from Rainbow Division Veterans of New York, Lexington Avenue and Twenty-sixth Street, New York City, N. Y., in the nature of a petition, praying for the passage of the bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, which was ordered to lie on the table.

He also presented resolutions unanimously adopted at the annual meeting of the First Seventh Day Baptist Church and congregation of Alfred, N. Y., commending to favorable consideration the "resolution toward the outlawry of war," submitted in the Senate by Mr. BORAH December 9, 1926 (S. Res. 287), and a "Treaty to outlaw war," suggested by Mr. S. O. Levinson and published in the Christian Century of December 23, 1926, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Maritime Association of the Port of New York protesting against the Government entering into any arrangement for the construction of the St. Lawrence waterway, to be constructed almost wholly in foreign territory, and stating that "it is the view of this board that the increased cost of the All-American route * * * should not be considered as the controlling factor in the matter, but rather the interests of our own country and the availability of the All-American route not only from a commercial standpoint, but from the standpoint of any exigencies that might arise which would make such a route of national advantage," which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Medical Society of the county of Queens, N. Y., favoring the passage of legislation providing for the manufacture of whisky under the direct supervision of the Government, so as to insure purity, alcoholic content, and proper aging, to be distributed by physicians on medicinal whisky prescriptions, which were referred to the Committee on the Judiciary.

He also presented a telegram and letters in the nature of petitions from the Long Island Drug Co. (Inc.), of Jamaica, N. Y., and Schieffelin & Co., of New York, N. Y., praying amendment of House bill 15601, the so-called medicinal spirits bill, so as to permit the continued participation of wholesale druggists in the distribution of medicinal liquor, which were referred to the Committee on the Judiciary.

He also presented a letter in the nature of a memorial from Constant A. Benoit, president of the Permatex Co., of Sheepshead Bay, N. Y., remonstrating against changes in formulæ of specially denatured and completely denatured alcohol, which was referred to the Committee on the Judiciary.

He also presented a letter, in the nature of a memorial, from Bakst Bros. (wholesale druggists), of New York, N. Y., remonstrating against the passage of House bill 15601, to conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits, to prevent the evasion of taxes, and for other purposes, which was referred to the Committee on the Judiciary.

He also presented a letter, in the nature of a memorial, from Seeman Bros. (Inc.), of New York, N. Y., remonstrating against the passage of the bill (H. R. 12315) to amend section 8 of the food and drugs act, approved June 30, 1906, as amended, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted at a meeting of the New York Board of Trade and Transportation, favoring the reduction of corporation taxes 20 per cent, etc., which were referred to the Committee on Finance.

Mr. BRATTON. I present resolutions adopted by a number of ex-service men at Fort Bayard, N. Mex., dealing with the effect of the Reed-Johnson bill, approved June 6, 1924, as it relates to the compensation of ex-service men who are in Government hospitals. I ask that the resolutions be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the Reed-Johnson bill, passed by the United States Congress on June 6, 1924, provides in paragraph 3 of subsection VII of section 202 of said act, that "After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled) who are being maintained by the bureau in a hospital of any description, and who are without wife, child, or dependent parent, shall not exceed $40"; and

Whereas said provision of said act is about to become operative; and

Whereas the enforcement of said provision of said act after June 30, 1927, will work a great hardship and injustice to all disabled veterans who are being maintained by the bureau in a hospital and who are less than totally and permanently disabled, and also the dependents of said disabled ex-service men; and

Whereas it was not contemplated and intended by the Congress of the United States to lower the living standard of the disabled ex-service men affected by said provision, as well as their dependents, which inevitably must follow in the event that said provision of said law is permitted to become operative: Now therefore be it

Resolved, That the Fort Bayard Chapter of the Disabled American Veterans; the Chester L. Thompson Post, No. 23; the American Legion; and the Casual Post No. 614, Veterans of Foreign Wars, at United States Veterans' Hospital No. 55, Fort Bayard, N. Mex., duly assembled in a joint meeting, do hereby voice their disapproval of said act of Congress for the reason that same is unfair and unjust, and will tend to work a hardship upon all and upon many a serious hardship whose compensation will be reduced or affected by said act; and be it further

Resolved, That the chapters do, and they do hereby, respectfully petition the Congress of the United States to repeal said act before the same shall become operative under its provisions; and be it further

Resolved, That this resolution be spread upon the minutes of said chapters and be made a part thereof; and be it further

Resolved, That Samuel D. Murff, chapter commander, Fort Bayard Chapter, No. 1, Disabled American Veterans; Chris A. Weros, post commander of the Chester L. Thompson Post, No. 23, of the American Legion; and H. J. McCarthy, commander Casual Post, No. 614, Veterans of Foreign Wars, be, and hereby are, authorized to forward to the Hon. SAM G. BRATTON, United States Senator from New Mexico, a copy of said resolutions with the request that he do all in his power to have said law repealed.

Approved by Fort Bayard Chapter, No. 1, of Disabled American Veterans of World War; Chester L. Thompson Post, No. 23, the American Legion; and Casual Post, No. 614, Veterans of Foreign Wars, all of United States Veterans' Hospital No. 55, Fort Bayard, N. Mex., this 14th day of January, A. D. 1927.

R. S. WARSHAW,
Adjutant, Fort Bayard Chapter, No. 1, D. A. V.
EARL F. RANDOL,
Adjutant, Chester L. Thompson Post, American Legion.
FRED A. WEST,
Adjutant, Casual Post, No. 614, V. F. W.

REPORTS OF COMMITTEES

Mr. WHEELER, from the Committee on Pensions, to which was referred the joint resolution (H. J. Res. 53) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of the said war," approved December 23, 1924, reported it without amendment and submitted a report (No. 1269) thereon.

Mr. LA FOLLETTE (for Mr. HARRELD), from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13494) to permit detailing of employees of the Indian field service to the Washington office (Rept. No. 1270); and

A bill (H. R. 14250) to authorize reimposition and extension of the trust period of lands held for the use and benefit of the Capitan Grande Band of Indians in California (Rept. No. 1271).

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 3784) for the relief of the owner of barge *Consolidation Coastwise No. 10*, reported it without amendment and submitted a report (No. 1273) thereon.

He also, from the same committee, to which was referred the bill (S. 3722) for the relief of the owner of the coal barge *Cad*, reported it with an amendment and submitted a report (No. 1272) thereon.

Mr. JONES of New Mexico, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 5243) to promote the mining of potash on the public domain, reported it without amendment and submitted a report (No. 1274) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on January 20, 1927, that committee presented

to the President of the United States the following enrolled bills:

S. 2301. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims; and

S. 4537. An act to amend the Harrison Narcotic Act of Congress approved December 17, 1914, as amended, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BAYARD:

A bill (S. 5351) granting an increase of pension to Rebecca E. Broadway (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 5352) to provide for one additional district judge for the eastern district of Michigan; to the Committee on the Judiciary.

By Mr. JONES of New Mexico.

A bill (S. 5353) to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.; to the Committee on Indian Affairs.

By Mr. WHEELER:

A bill (S. 5354) to add the names of Walter John Glover and Alma Genevieve Glover to the final roll of the Indians of the Flathead Indian Reservation; to the Committee on Indian Affairs.

By Mr. FRAZIER:

A bill (S. 5355) granting an increase of pension to Dorothy Hostvet; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 5356) granting an increase of pension to Jemmima Bittinger (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 5357) authorizing the Secretary of War to award the congressional medal of honor to Deming Bronson (with accompanying papers); to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 5358) to amend the World War adjusted compensation act as amended, and to further amend the World War veterans' act as amended; to the Committee on Finance.

By Mr. ERNST:

A bill (S. 5359) to amend section 83 of the Judicial Code as amended; to the Committee on the Judiciary.

By Mr. DALE:

A bill (S. 5360) granting an increase of pension to Mary S. Rogers (with accompanying papers); and

A bill (S. 5361) granting an increase of pension to Katharine Morrison (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 5362) to amend the Federal water power act, and for other purposes; to the Committee on Commerce.

By Mr. MEANS:

A bill (S. 5363) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, helpless children, and dependent parents of such soldiers and sailors, and for other purposes; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5364) granting a pension to Mary Malvina White; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5365) granting an increase of pension to Amanda M. Butcher (with accompanying papers);

A bill (S. 5366) granting an increase of pension to Theresia Morrow (with accompanying papers);

A bill (S. 5367) granting an increase of pension to Sabilla E. King (with accompanying papers); and

A bill (S. 5368) granting an increase of pension to Elizabeth A. Crouse (with accompanying papers); to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 5369) granting a pension to Mary Swift Horse; to the Committee on Pensions.

AMENDMENT TO MILK IMPORTATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (H. R. 11768) to regulate the importation of milk and cream into the United States, for the purpose of promoting the dairy industry of the United States, and protecting the public health, which was ordered to lie on the table and to be printed.

NATIONAL POLICY IN THE CARIBBEAN, 1898–1927

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the current issue of the New Republic, dealing with the policy of the United States in the Caribbean from 1898 to 1927.

The VICE PRESIDENT. Without objection, it is so ordered.

The article is as follows:

UNCLE SAM, IMPERIALIST—A SURVEY OF OUR ENCROACHMENTS IN THE CARIBBEAN, 1898–1927

A glance at the table on page 2052, showing American activities in the Caribbean region, provides some interesting facts. In about 30 years we have created two new Republics—Cuba and Panama—converted both of them and three other Latin-American countries—the Dominican Republic, Nicaragua, and Haiti—into virtual protectorates; intervened by force at least thirty times in the internal affairs of nine supposedly sovereign and independent nations; made the period of intervention last anywhere from a few days to a dozen years; enlarged our investments from a paltry two or three hundred millions of dollars to the tidy sum of upwards of three billions; and installed in four states our own collectors of customs to insure payment. Incidentally, we have annexed Porto Rico and the Virgin Island, built a canal, secured an option to construct another, and gathered in several naval stations.

The causes for our entry into so close a relationship with the five little Republics may easily be recalled. In 1898 the United States declared a war on Spain for the liberation of Cuba from what we regarded as Spanish misrule. The immediate motive, beyond doubt, was one of good will toward a people suffering from oppression in an island that lay very near our own shores.

Meanwhile Americans had long been cherishing the idea of constructing a canal somewhere in the nether portion of the North American Continent. Whether it should be run through the Colombian Province of Panama or through the Republic of Nicaragua was the question until 1903, when a timely revolution in the Province solved the difficulty in favor of the Panama route. Thereafter it became a foregone conclusion that the second new nation which we have godfathered within five years would grant to the United States all the rights and privileges which the building and control of a canal might warrant.

Hardly had the construction of the new waterway begun when the financial distress of another small state, the Dominican Republic, awoke fears on the part of the American Government lest the situation prompt European creditors to take measures for a collection of their debts, likely to impinge upon some one of our numerous interpretations of the Monroe doctrine. Hence, in order to forestall that possibility, in 1905 the United States assumed financial guardianship itself.

From the Dominican Republic the next step was directed in 1912 to Nicaragua. Here two motives came into operation. One was the determination of the United States not to allow an option to be acquired by some foreign power for the construction of a canal that would not only compete with the Panama waterway, but would also be a potential menace to our control of the latter. The other motive was to quiet political disturbances that threatened injury to Americans and foreigners and their respective property. The fact that the gentleman who in 1927 claims to be President of Nicaragua happens to be the same aspirant whom we installed in office 15 years ago lends enchantment to the present tangle there.

In 1915 the Colossus of the North again stepped back onto the island, for the eastern end of which he had already assumed the financial management. At the western end lay a negro Republic, called Haiti, squirming under a series of despotic Presidencies tempered by frequent assassination. Here an unusually horrible slaughter of political prisoners and the violation of a foreign legation compelled the United States to intervene, for fear the European nation concerned might do something detrimental again to the Monroe doctrine. Although the protection of foreign and American lives and property was involved, the basic motive for the landing of marines in Haiti, as in the case of Cuba, was humanitarian.

Whatever the direct motives for these several courses of action, through them all has run the advancement of our own economic, as well as political, welfare. This country of ours has become powerful in proportion as its southern neighbors have remained weak. We have known how to utilize our resources; they have not. Because they have not and we want what lies in their soil and under it, our captains of industry, aided by the Government of the United States, have put themselves increasingly into the position of showing them how the things nature has provided should be turned to account.

In our virtual protectorates we have followed two quite distinct procedures: One toward Cuba, Panama, and Nicaragua, the other toward the Dominican Republic and Haiti. Both of them have the same aims: To encourage American economic enterprise and to promote the material benefit of the peoples concerned. Neither course of action has been motivated so much by a determination to exact reparation for injury committed as by a desire to prevent such injury. Lest Americans and their property, as well as foreigners and theirs, should suffer damage and the Monroe doctrine be exposed to infringement, the plan has been to avert the possibility of either. Commonly, the intervention has been

asked by interested parties, native, American, or European, with or without sufficient reason. Whether the inhabitants of the countries affected relish it or not is something not taken into account.

So far as Cuba, Panama, and Nicaragua are concerned, the United States has aided the local authorities to maintain order and adopt other salutary measures for the general objects in view. Since 1909 Cuba has remained under its own rulers. The same has always been true of Panama and Nicaragua, even if the personnel of the functionaries has sometimes been determined by the United States.

Toward the Dominion Republic and Haiti, on the other hand, the action taken has been quite ruthless. Because of political commotions and a disposition to incur indebtedness beyond what the American guardian thought proper, in 1916 the Dominican Government was practically abolished. In its place an American military régime was set up, which stayed on until 1924. Haiti, a year earlier, had undergone a similar fate, except that the native administration still continues under the military supervision of an American officer, now styled a "high commissioner."

From the standpoint of the rights presumed to attach to states which are reputed to be "sovereign and independent," certainly the plight of the Dominican Republic and Haiti is much less enviable than that of their three fellows. To be sure, the American military rulers have built roads and railways, improved ports, bettered sanitary conditions, and enlarged educational facilities, but their action has been accompanied at times by harshness and cruelty to individual natives, especially in the Negro Republic. Both of the little states also have been compelled to assent to treaties providing for huge loans.

These advances from American financiers will contribute, no doubt, to the material welfare of the countries concerned; so they will to our own. Doubtless, too, the opposition to American influence there and in all of the republics under our tutelage where similar loans have been the order of the day is political rather than the result of actual wrongs inflicted. But is political opposition on the part of reluctant wards toward their self-appointed mentor nothing of any moment?

A much more intriguing question now presents itself. Is there a possible ratio between the extent of American governmental control and the manner of its exercise, on the one side, and the increase in American investments on the other? Has there been any apparent connection between the growth of American financial interests and a tendency of our Department of State to practice, through diplomatic pressure, with marines posted in the background, political interference in the internal affairs of the republics? Let us cite the case of Cuba.

In the joint resolution of April, 1898, which brought on the war with Spain, Congress declared that the United States disclaimed any intention to exercise control over Cuba except for its pacification, and would leave the government and control of the island to its own people. Events, however, soon indicated that the government was indeed to be left, but not the control. Three years later the so-called Platt amendment, which the Cubans were obliged to incorporate into their constitution, provided, among other things, that the United States was to possess the right to intervene in the Republic for the preservation of its independence and the maintenance of a government capable of protecting life, property, and individual liberty, and that Cuba should contract no excessive indebtedness. The former of these stipulations the United States has enforced on several occasions. The application of the latter appears to stand in quite a different category, although in essence the ultimate means employed have been the same.

In 1904 the first loan contract made with Cuba by an American banking House provided for no financial administration by Americans and contained no allusions to the Government of the United States as a party to the agreement. From that time onward, moreover, such contracts regularly have stipulated that the amount loaned constitutes a lien upon the customs revenue, or even on all sources of public income, of the country concerned as security for the interest on and amortization of the bonds as issued. These in turn, as to both principal and interest, are exempt from domestic taxation.

Beginning in 1905, sometimes by "Executive agreement" between the President of the United States and the appropriate authorities in a given republic when the Senate would not assent, sometimes by formal treaty, no fewer than five methods have been devised for insuring payment. As the table shows, in Cuba the customs revenues are administered by Cuban officials; in the Dominican Republic by an American general receiver named by the President of the United States; in Nicaragua by an American collector acting under the orders of a high commission, one of whose three members is chosen by our Department of State and one by American bondholders. In Haiti the entire revenue system of the country is in the hands of an American general receiver and an American financial adviser appointed by the President of the Republic on the nomination of the President of the United States, who also appoints the high commissioner over all. The case of El Salvador, not one of the virtual protectorates, and yet illustrative of the fifth method, is even more significant. For the service of a loan contracted in 1922 the collection of 70 per cent and, if necessary, all of its customs revenues is attended to by an American official chosen by an American corporation with the approval of our Department of State. Nor are extensive loans likely to be made anywhere in Latin America without seeking in advance the approval of that branch of our national administration.

Considering the financial relationship of Cuba to the United States, reference to the appropriate column in the table reveals that between 1899 and 1916 the estimated amount of American investments in the island increased from $50,000,000 to $400,000,000; whereas between 1916 and 1925 it rose to $1,360,000,000. But it was precisely during these nine years that the influence of our Government over Cuban political and financial affairs became altogether marked. After 1918, and acting in compliance with a series of memoranda from an Army officer of high rank, sent as personal representative of the President of the United States and later appointed American ambassador to the Republic, the Cuban Congress passed a large number of enactments aimed at improving political and economic conditions. They included: New electoral laws; suspension of certain provisions of the civil service law, so as to permit the President of Cuba to shift the personnel of administrative departments; facilitation of the removal of judges; revision of the tariff; changes in the budget; reorganization of the system of accounting; the clearing up of indebtedness, and the floating of an American loan of $50,000,000, placed as a lien upon the entire national revenue and under the virtual guarantee of the Government of the United States. All of this might argue that the jurisdiction of the United States over the financial concerns of Cuba has made some progress since 1901, when the republic was obligated only to contract no excessive indebtedness!

In handling the affairs of our neighbors in and around the Caribbean, with or without their cooperation, four general policies have been brought into play. They may be designated by as many words: "regulation," "annexation," "neutralization," and "abstention." Certain islands have been annexed; a Central American country (Honduras) has been neutralized; and, where the political and economic interests of the United States have seemed to permit it, abstention from interference in internal situations or international relations among the several Republics has been practiced. But the general policy most in vogue has been that of regulation, whereby whatever those neighbors do is subject in greater or less degree to American control. For its exercise, four methods of action have been followed: (1) Recognition of a particular government; (2) the severance of diplomatic relations, which means the same thing as the newly coined and misleading expression, "withdrawal of recognition"; (3) the levying or the lifting of an embargo on the shipment of arms and munitions; and (4) military intervention.

Phases of this policy of regulation are visible just now in our dealings with little Nicaragua and Panama and with bigger Mexico. The legitimate successor to an erstwhile President in Nicaragua, not recognized by the United States, is forcibly prevented from taking his official seat because our Government regards another person as better suited to our interests, political and economic. The allegation that the installation of the personage who is not our candidate might imperil the canal which we have not begun to construct is amusing. The supposition that, in collaboration with Mexico, he and his band of partisans might conjure up the "spectre of a Mexican-fostered Bolshevist hegemony intervening between the United States and the Panama Canal" is terrifying, indeed, to the richest and most powerful Nation on earth! If the United States recognizes one "President" in Nicaragua, Mexico mustn't recognize another; if, for the benefit of its protégé, the United States lifts an embargo on the shipment of arms and munitions, Mexico has no business to allow Mexican armaments and soldiers of fortune to be used for the advantage of its own alleged disciple. As to Panama, that small state has been induced to enter into a treaty of alliance with this country, whereby it stands pledged to cooperate in the military defense of the canal, despite its solemn obligations as a member of the League of Nations.

The nigger in the Nicaraguan woodpile is evidently the issue, on quite different grounds, between the United States and its neighbor immediately to the south of the Rio Grande. In order to enforce our will we appear to menace Mexico with the threat of severing diplomatic relations and lifting the embargo on arms and munitions, which would result, probably, in putting the country anew into the throes of civil war. Yet the problem need not be solved in this fashion. With all due respect for "national honor and vital interests," the matters in dispute might be adjusted by a resort to the Permanent Court of International Arbitration at The Hague, of which the United States is a sponsor.

Our country may not "covet an inch of our neighbors' territory"; yet somehow it seems to have been exemplifying on this side of the Atlantic what John Galsworthy described as a characteristic of the motherland on the other—"the possessive instinct of the nation on the move." Of the measures we have taken in the Caribbean, the eventual outcome is painfully clear. If we go on as we have begun, the American empire must ultimately bestride the entire area. Politically, the republics within it may remain "sovereign and independent"—in the language of diplomacy. Economically, they would become a happy hunting ground for American capitalists, upheld and protected by their

Government. The Monroe doctrine then will deserve the definition given in the covenant of the League of Nations: A "regional understanding" about a sphere of influence for a great power.

Of this broadening out of the United States over its huge preserve, bounded by the wall of the Monroe doctrine, the nations of Europe doubtless would disapprove. Even though we are only emulating their own example elsewhere in the world, they are likely to object to such behavior on our part, just as the Latin-American Republics still outside the sphere will cherish resentment. Both will vent their feelings in hard words if nothing worse. But what does that matter? Business is business. And southward the course of empire takes its way.

WILLIAM R. SHEPHERD.

American activities in the Caribbeans, 1898–1927

Country	Political relation to United States	Military intervention	American investments, estimated in millions of dollars [1]	Forms of American control to insure payment
Cuba (size of Pennsylvania; population, 3,400,000).	Virtual protectorate, 1901.	1898–1902, 1906–1909, 1912, 1917.	1899, 50; 1909, 141; 1916, 400; 1920, 525; 1925, Government loans, 110; other holdings, 1,250; total, 1,360.	
Panama (size of South Carolina and Delaware; population 440,000).	Virtual protectorate, 1903.	1908, 1912, 1917–18, 1921	1925 government loans, 6; other holdings, 16; total, 22.	
Dominican Republic (size of Vermont, New Hampshire and Rhode Island; population 890,000).	Virtual protectorate, 1905.	1903–4, 1913–14, 1916–1924.	1925 government loans, 15	General receiver of customs, appointed by the President of the United States.
Nicaragua (larger than North Carolina; population 630,000).	Virtual protectorate, 1912.	1899, 1907, 1910, 1912, 1925, 1926–27.	1925 government loans, 3; other holdings, 13; total, 16.	High commission of 3 persons, representing the Department of State, American bondholders, and Nicaragua, with American collector of customs, appointed by the President of the United States.
Haiti (size of Vermont and Rhode Island; population 2,040,000).	Virtual protectorate 1915.	1915	1925 government loans, 17; other holdings, 6; total, 23.	Under American military high commissioner, American general receiver of customs and American financial adviser, appointed by the President of Haiti on the nomination of the President of the United States.
El Salvador (smaller than New Jersey; population 1,600,000).	Independent		1925 government loans, 6; other holdings, 11; total, 17.	American collector of customs, appointed by an American corporation, with approval of the Department of State.
Mexico (size of Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Vermont, and Connecticut; population 14,200,000).	do	1914, 1916	1899, 185; 1912, 700; 1925 government loans, 60; other holdings, 1,258; total, 1,318.	
Guatemala (little larger than New York; population 2,100,000).	do		Total, 1925, 50	
Honduras (little smaller than New York; population 770,000).	do	1907, 1910, 1911, 1919, 1924–25.	Total, 1920, 18; total, 1925, 40	
Costa Rica (size of Vermont, New Hampshire, and Connecticut; population 500,000).	Independent	1919	1925 Government loans, 2; total, 20–30.	
Colombia (size of original 13 States, plus Florida; population 6,600,000).	do	1903	1912, 2; 1920, 30; 1925, Government loans, 17; other holdings, 70; total, 87.	
Venezuela (size of Texas, Kentucky, and Tennessee; population 3,000,000).	do		Total, 1912, 3; total, 1920, 40; total, 1925, 75.	

[1] Figures taken chiefly from Robert W. Dunn, American Foreign Investments (New York, 1926) and sources there cited.

THE NICARAGUAN SITUATION—CLAIM OF DOCTOR SACASA

Mr. PEPPER. Mr. President, during one of the debates on the Nicaraguan situation a question arose respecting the date of the claim of the recognition of Doctor Sacasa. That being a question of fact and having given rise to some dispute on the floor, I addressed a letter to the Secretary of State requesting such information on the subject as the department possesses. I ask unanimous consent to place in the RECORD at this point my short letter of inquiry and the Secretary's detailed reply.

The VICE PRESIDENT. Without objection, leave is granted.

The letters are as follows:

JANUARY 14, 1927.

Hon. FRANK B. KELLOGG,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: The question has arisen whether or not, at the date of the recognition of the Diaz government by the United States, there was pending a request by Sacasa, or by any group organized on his behalf, for the recognition of Sacasa as the President of Nicaragua. I shall be much obliged if you will furnish me with the facts on this subject so far as they are known to the State Department. If no request by Sacasa or on his behalf was made prior to the recognition of Diaz, I should like to be informed at what subsequent date and under what circumstances such a request was made. If, as I understand the fact to be, the request was made after the recognition of Diaz, I should like to know whether any governments other than the United States had recognized Diaz at the time of the Sacasa request, and, if so, what governments.

Very truly yours,

GEORGE WHARTON PEPPER.

DEPARTMENT OF STATE,
Washington, January 15, 1927.

MY DEAR MR. SENATOR: I have received your letter of January 14, in which you inquire whether any request by Doctor Sacasa, or on his behalf, was made prior to the recognition of President Diaz, and, if not, upon what subsequent date and under what circumstances it was made. You also inquire whether any governments other than the United States had recognized Diaz at the time of the Sacasa request, and, if so, what governments.

In reply I have the honor to inform you that President Diaz was appointed designate by the Congress of Nicaragua on November 11, 1926, and took the oath of office at 4.30 on the afternoon of November 14. The American chargé d'affaires attended this inauguration under instructions from the Department of State as a sign of the official recognition of the Diaz government by the Government of the United States. I understand that representatives of Great Britain and Honduras also attended the inauguration of President Diaz as a sign of recognition by those Governments.

On November 17, replying to a formal communication from President Diaz, dated November 16, announcing his assumption of the Presidency, the American chargé d'affaires formally extended recognition on behalf of the United States Government to President Diaz. The department is informed that the Government of Salvador extended recognition on the same day. The department is not informed as to the dates on which recognition was extended by the other Governments which are reported to have recognized President Diaz, namely, Italy, Belgium, Germany, Holy See, France, Spain, Peru, Colombia, Cuba, Panama, and Chile.

On November 16 the department received a telegram from Guatemala, which reads in translation as follows:

GUATEMALA, *November 15, 1926.*

SECRETARY OF STATE, *Washington, D. C.:*

In my earnest wish to contribute in solving the conflict in Nicaragua and safeguarding the principles and purposes of the treaties perfected under the auspices of your excellency's Government I have unconditionally put before the high judgment of the signatory governments my title to the constitutional Presidency of Nicaragua. The same earnest wish moves me to make that decision known to your excellency, trusting that your Government's powerful influence will be used along the lines of justice and Pan American dignity.

Respectfully,

JUAN B. SACASA.

On December 3 the department received a second telegram signed Juan B. Sacasa, from Puerto Cabezas, announcing that he had assumed the Presidency of Nicaragua on December 2.

On the same day a telegram was received from Puerto Cabezas, signed Rudolpho Espinosa, Minister for Foreign Relations, asking recognition for the Sacasa government.

I am, my dear Senator PEPPER,
Sincerely yours,

FRANK B. KELLOGG.

The Hon. GEORGE WHARTON PEPPER,
United States Senate.

NOMINATION OF CYRUS E. WOODS

Mr. NEELY. Mr. President, I ask unanimous consent to have read at the desk a brief motion, and then I desire to have it lie over for one day under the rule.

The VICE PRESIDENT. Without objection, the clerk will read the Senator's motion.

The Chief Clerk read as follows:

I move that when the Senate, by virtue of the unanimous-consent order previously adopted, considers whether it will advise and consent to the pending nomination of Mr. Cyrus E. Woods to be a member of the Interstate Commerce Commission, it shall proceed as in open executive session.

Mr. CURTIS. Mr. President, that question must be decided in executive session.

Mr. NEELY. I am simply asking to have the motion lie over under the rule. I am not asking for its consideration.

The VICE PRESIDENT. The motion will go over under the rule.

Mr. CURTIS subsequently said: Mr. President, I desire to make an announcement. The unanimous-consent agreement for the executive session at 3 o'clock will be put off until 2 o'clock to-morrow. An executive session will not be asked for this afternoon.

Mr. NEELY. That, I understand, is for the consideration of the Woods nomination.

The VICE PRESIDENT. The Senator is correct.

SENATOR FROM ILLINOIS

Mr. WATSON. Mr. President, I desire as briefly as I may to state the reasons which impel me to vote to seat Colonel SMITH as a Member of this body. I was opposed to his coming here for many reasons, but he is here. He is knocking at the door. The question which we must immediately decide is whether or not we shall admit him or exclude him. The question is one which rises above personal likes and dislikes, transcends even the hope of personal ambitions or the desire for party success.

My view is that the chain of title, so to speak, of Colonel SMITH to a seat in this body is perfect and unbroken. The Constitution of the United States provides that in certain contingencies the governor shall have the right to appoint a Senator. The Legislature of Illinois by appropriate statute conferred upon the governor of that State the right to appoint in such contingency. A contingency occurring by the death of our late lamented colleague, Senator William B. McKinley, the governor thus clothed appointed FRANK L. SMITH. He is here asking to be admitted. There is no question as to his constitutional qualifications as to age, residence, or inhabitancy. What, then, remains to make his title complete? Only that we shall admit him. So far as the right to a seat is concerned, there is no link of the chain broken. It is perfect. Therefore, as he stands at the door, there are but four ways in which we may deal with him:

First. We may exclude him absolutely without reference to future procedure.

Second. We may admit him and refer his case to the Committee on Privileges and Elections.

Third. We may exclude him and refer his case to the Committee on Privileges and Elections.

Fourth. We may admit him absolutely and unqualifiedly.

Neither of the two absolute contingencies is being considered. Therefore we must admit him or exclude him; and in either event we must refer his case to the Committee on Privileges and Elections for future procedure.

I contend that, inasmuch as he has been regularly appointed, inasmuch as there is no doubt whatever as to his constitutional qualifications, inasmuch as he fulfills in the highest degree all of those qualifications set forth specifically in the Constitution of the United States, all we can do, in obedience to the behest of that Constitution, is to admit him as a Member of this body.

At the very threshold, Senators, we are met with the Nye case as a precedent; but I think that the two cases are easily distinguishable in many respects. In the first place, before Mr. NYE came here with his credentials, all members of the Committee on Privileges and Elections had been apprised of a contest. Briefs were submitted pro and con; we had full knowledge of the fact that the authority of the governor of that State to appoint at all was seriously in doubt, and that the question would be raised before the Committee on Privileges and Elections and in the Senate. Senators somehow confuse credentials with the possession of all the qualifications implied by credentials. What do I mean by that?

Let me illustrate. Throughout our history, from the establishment of the Government up to this hour, the precedents show that there has been a distinction made between objecting to the essential qualifications required by the Constitution and those extraneous matters such as it is sought to bring here against Colonel SMITH at this time; that is to say, suppose now that some Member were to arise on the floor and on his responsibility say that he had learned from sources that were satisfactory to him, and of undoubted and undisputed authority, that Colonel SMITH had not lived in Illinois for five years, and he therefore asked that he be not sworn until that qualification should be investigated. Certainly that request would be acceded to; there can be no question about that. That has always been the practice; it has been uniform from the First Congress down to the present time. That, however, goes directly to the question of a qualification set forth specifically in the Constitution of the United States; so that if Mr. NYE came here with credentials from a governor who had no authority whatever to appoint, as a matter of course the act of appointment was invalid and his credentials were but a scrap of paper. That went to the very heart of the applicant's qualifications and his right to a seat here.

Suppose that the Reed committee never had met and had never reported and some Senator should arise to-day and say that he had been informed by undoubted authority, from undisputed sources, that Colonel SMITH as a candidate for Senator on the Republican ticket and as chairman of the Public Utilities Commission of the State of Illinois had accepted a campaign contribution from Mr. Samuel Insull, the greatest owner of stock in utilities of that character in the world, and asked to have him stand aside; manifestly that request could not be granted, because it would not go to the heart of Colonel SMITH's qualifications—the qualifications set forth in the Constitution of the United States, the only qualifications prescribed in that instrument, and the only qualifications by which this body may be bound. Therefore, all along the line of the past that distinction has been made. An examination of the precedents will show that whenever any Member has risen in either House on his responsibility and authority and charged the lack of any one of these constitutional qualifications, as a matter of course the man who sought to be admitted was stood aside until the charge was investigated.

However, except in the time of war, when the fires of passion were raging high and hot, no other rule has ever been adopted or accepted in either House, save only in the case of Brigham Roberts in the House of Representatives about 1900.

Again there is this difference between these two cases: Mr. NYE himself, as I remember, asked to have a committee appointed for the purpose of investigating the question at issue, and his colleague from the State of North Dakota on the floor requested that the question should be referred.

My friend from Virginia [Mr. GLASS] yesterday stated that if his credentials were perfect there ought not to have been any question about his admission. That is where, as I say, Senators become confused as to the difference between having credentials and the necessary qualifications upon which those credentials are based. I can recall one case, which I think was cited on yesterday, where Henry Clay was admitted to this body at the age of 29. Why was he admitted? Because nobody objected; but if anyone had risen here and said that he had information from undoubted sources that Henry Clay lacked this essential qualification, and had asked to have him stand aside, as a matter of course the request would have been acceded to until that matter could have been investigated, because that is a question that goes to the very heart of the constitutional qualifications prescribed by the fundamental law of the land. Therefore at the very outset we are confronted with this question: Can the Senate of the United States, in and of itself, by its own act, add to or take from the qualifications set forth and prescribed by the Constitution of the United States?

The Constitution is the fundamental law of the land by its own express terms. It has prescribed certain qualifications for Senators. Are there other qualifications? If so, where are they? If so, wherein are they set forth? If so, in what other article are they prescribed? There are no other qualifications.

I am well aware of the fact, as the Senator from Montana yesterday stated, as I recall, that Senator Sumner took the position that the requirement of the oath that must be taken before admission here added another qualification; but he was overwhelmed in the debate and by the vote, and it was decided almost unanimously that the oath was not a qualification, that

it was simply a requirement in order that the applicant might be admitted; that it was a form through which he must go before he was entitled to membership in this body, and was in no sense a qualification as set forth in the Constitution of the United States.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. WATSON. Yes.

Mr. WALSH of Montana. The Senator is quite right that the vote went against Mr. Sumner in that case, but the fact still remains that his views subsequently prevailed.

Mr. WATSON. No; not as to the oath.

Mr. WALSH of Montana. Yes; as to the oath.

Mr. WATSON. I do not think so.

Mr. WALSH of Montana. The contention to which the Senator refers was made in the Stark case in 1862, and the committee took the view now advocated by the Senator.

Mr. WATSON. But there was no case outside of those arising in war time, I will say to the Senator, in which this precedent has been set aside or overruled.

Mr. WALSH of Montana. I do not want to discuss that. The Senator referred to the fact that Mr. Sumner was overwhelmed.

Mr. WATSON. He was.

Mr. WALSH of Montana. He was beaten on the vote in the Stark case, but six years afterwards his view prevailed.

Mr. LENROOT. Mr. President, will the Senator from Indiana yield?

Mr. WATSON. I yield——

Mr. WALSH of Montana. In other words——

Mr. WATSON. Has the Senator that case in mind?

Mr. WALSH of Montana. Yes.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WATSON. Yes.

Mr. LENROOT. Let me call the attention of the Senator from Indiana to the fact that in the case to which the Senator from Montana refers at that time Sumner argued that the fourteenth amendment, which created the disqualification, had, for all practical purposes, gone into effect, although it was not promulgated until six months later.

Mr. WATSON. That was the Thomas case.

Mr. LENROOT. Yes.

Mr. WATSON. I am familiar with that case.

I was discussing the question as to whether or not the Senate, in and of itself, and by its own action, can add to or take from the essential qualifications for membership in this body.

Mr. DALE. Mr. President, will the Senator from Indiana yield?

Mr. WATSON. I yield.

Mr. DALE. I wish to ask a question for information. The Senator makes the statement that the Senate can not, in and of itself, add to or take from the constitutional qualifications of a Senator elect. In the case which the Senator has cited, that of Henry Clay, the Senate did take from the constitutional qualifications of a Senator elect, did it not?

Mr. WATSON. No; because the question never was raised as to his age.

Mr. DALE. But the effect of the Senate's action was to do that?

Mr. WATSON. No; not at all, because the question was not raised; it was not at issue. If anybody had raised it, the rule would have applied, but nobody having raised it, the Senate had no knowledge of it, official or otherwise, and therefore he was admitted. That is what I am saying—that all along the line in the past, as the precedents show indisputably, whenever anyone has arisen to say, on his own responsibility as a Senator or a Member of the House, that he had information leading him to believe that an applicant did not possess any one of the three essential qualifications set forth in the Constitution and asked to have him stand aside, always that request has been acceded to, and the applicant has been put to one side until the question was finally determined. That is the unbroken precedent from first to last.

But I was not discussing that question; I was taking the question as to whether or not the Senate, in and of itself, has authority to change the constitutional provision as to qualifications. I am not now speaking of the power of the Senate to determine the qualifications of a Senator after he becomes a Member. That is an entirely different question. I am speaking of the essential qualifications necessary to admission, in the first instance, of a Member of this body, and that is an altogether different thing from the qualifications of which we are the exclusive judges after a man becomes a Member and is admitted to membership here.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to a question?

Mr. WATSON. Yes.

Mr. ROBINSON of Arkansas. The Senator is now discussing the provision of the Constitution, which declares that—

> No person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Does the Senator assert and maintain that that language is equivalent to the declaration that any person may be a Senator who shall have attained to the age of 30 years and been 9 years a citizen of the United States, and so forth?

Mr. WATSON. Yes. I will come to speak of that after a while. That question was debated in the Constitutional Convention and has been debated on the floor.

Mr. ROBINSON of Arkansas. What would the Senator say——

Mr. WATSON. I know the question the Senator is going to ask just as well as if he had already asked it.

Mr. ROBINSON of Arkansas. I presume the Senator does; he may be all wise——

Mr. WATSON. No.

Mr. ROBINSON of Arkansas. But let me respectfully say that he can not anticipate what is in my mind, if there is something in it. [Laughter.]

Mr. WATSON. I admit there is something in it.

Mr. ROBINSON of Arkansas. I was about to ask the Senator if a person, with proper credentials, presented himself at the door here who was admittedly afflicted with a contagious disease, or who had been impeached for an offense, which impeachment rendered him ineligible to membership in this body, or who on his way to the Senate had committed a crime so grossly immoral or so shocking as to render him unfit for association in this body, would the Senator maintain, notwithstanding he was in this condition, if he was 30 years old and had been 9 years a citizen of the United States and had been an inhabitant of the State for the period required by the Constitution—in other words, that he had met all the negative requirements of the Constitution—that the Senate should admit him at once because he had presented his credentials?

Mr. WATSON. That is my view of it, on the ground that if a man comes here, sent here by the people of a sovereign State, we must obey the wishes of that sovereign State to the extent of admitting him here, and then, after he is admitted, it is for us to determine whether or not he is fit to qualify and sit here as a Member.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator another question, Assume that a Senator designate or elect presented himself at the door of the Senate with his credentials in due form and that he was afflicted with leprosy.

Mr. WATSON. I knew the Senator was going to ask that.

Mr. ROBINSON of Arkansas. Does the Senator contend that under the Constitution of the United States, merely because the leper was 30 years old and had been 9 years a citizen of the United States, and was a resident of the State from which he came, the Senate would have to admit him?

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. WATSON. I yield. I knew what the Senator was going to ask. I knew he was going to ask about the case of a leper.

Mr. ROBINSON of Arkansas. Then the Senator's refusal to answer in the beginning was because he knew he could not answer the question.

Mr. WATSON. I did answer it, and stated squarely that that had nothing to do with the essential qualifications, and that a man must be admitted——

Mr. ROBINSON of Arkansas. The Senator declares, then, that under the Constitution the Senate would have to admit a leper if he had a certificate of appointment from the governor of a State authorized to make an appointment?

Mr. WATSON. If the people of the State of Arkansas by a majority vote, with full knowledge of the fact, sent a leper here——

Mr. ROBINSON of Arkansas. What difference does it make whether they had any knowledge of the fact or not?

Mr. WATSON. None.

Mr. ROBINSON of Arkansas. I am assuming, now, that the Senator designate or the Senator elect may have acquired his affliction subsequently to his election. I am asking the Senator whether the mere fact that the Senator designate or elect has these negative qualifications prescribed in the Constitution obligates the Senate to admit him when he appears here, without regard to any other possible consideration?

Mr. WATSON. That is my view of it exactly.

Mr. ROBINSON of Arkansas. Does the Senator mean to say that if one had been adjudged a lunatic and was violently insane, and came here with a certificate of election or a certificate of appointment in due form, the Senate would have to admit him?

Mr. WATSON. Mr. President, everybody knows that a lunatic can not take an oath.

Mr. ROBINSON of Arkansas. Then the Senator admits that in the case of a lunatic the Senate would not have to admit him?

Mr. WATSON. No; I admit nothing, because he could not take the oath, and the Senator knows that he could not take the oath.

Mr. BINGHAM. Mr. President, in answer to the question of the Senator from Arkansas, may I suggest to the Senator from Indiana that in 1862 a very distinguished Democratic Senator from the State of Delaware answered those specific questions in this way:

> Among the qualifications prescribed by the Constitution you can find no ground for interposing an objection to a party being sworn in who is properly appointed no matter how debased his moral character may be, no matter though he lie under the stigma of an indictment and conviction for crime. * * * Even if there were a conviction for crime—forgery, if you please—it would afford no ground, it would give no warrant to the Senate of the United States in rejecting by a majority a person who presented himself as a Senator, legally appointed by the proper authority in his own State. The Constitution prescribes the qualifications, and it has not touched any question of that kind relating to the capacity or the morality of the party.

Listen to these words, Mr. President.

Mr. ROBINSON of Arkansas. Now, will the Senator from Indiana yield to me, in order that I may ask a question of the Senator from Connecticut?

Mr. BINGHAM. Just a moment.

Mr. WATSON. Wait until he finishes.

Mr. ROBINSON of Arkansas. He may read all day.

Mr. WATSON. I will let him.

Mr. McKELLAR. The rest of us will not.

Mr. BINGHAM. The Senator from Delaware, Mr. Bayard, said at that time, on January 10, 1862:

> If he was an idiot, you would not reject him. If he was a man, destitute of all moral character, such that you would feel disgraced by associating with him, you could not by a majority of this body reject him when his State chose to send him here by the properly constituted authority.

Mr. ROBINSON of Arkansas. Does the Senator from Connecticut stand upon that expression of opinion by the former Senator from Delaware, Mr. Bayard?

Mr. BINGHAM. Absolutely.

Mr. ROBINSON of Arkansas. The Senator, then, thinks that if one confessedly an idiot, or one who was guilty of homicide, should present himself at the door of the Senate, the Constitution of the United States obligates the Senate, in the exercise of its powers, to receive and admit such a person as a Member of the Senate?

Mr. WATSON. Let me ask the Senator how a man could confess to being an idiot.

Mr. BINGHAM. Mr. President, if the Senator will permit me to answer——

Mr. ROBINSON of Arkansas. Mr. President, I did not intend to suggest that it was necessary for the man himself to make the confession, but that he should be admittedly an idiot. Of course we all know that fools—damn fools—sometimes get into legislative bodies; but I respectfully suggest to the Senator from Indiana that the provision of the Constitution to which he refers is restrictive of the power of the Senate; that the Senate can not admit persons under the age prescribed, or persons who have not the residential qualifications prescribed by the Constitution; but that that provision does not prevent the Senate from protecting itself against danger or from protecting itself against corruption; that that provision is a limitation on the power of the Senate, and in no sense a definition of the power of the Senate.

Mr. WATSON. To which I totally disagree, and I shall proceed to show by the precedents that the Senator is wrong.

Mr. ROBINSON of Arkansas. I can only say that I am confirmed in the conclusion I stated by the declaration of the Senator from Indiana that he disagrees with me.

Mr. WATSON. I do disagree with the Senator, because I think he is entirely wrong in his conclusion, as I shall proceed to show if I may.

Mr. BINGHAM. Mr. President, with the permission of the Senator from Indiana——

Mr. WATSON. I yield.

Mr. BINGHAM. May I say that apparently the Senator from Arkansas has far less confidence in the principles of representative government than did the framers of the Constitution, who gave to the States the power to send here those whom they chose to represent them.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator from Indiana will permit me, I do not quite understand the significance of that remark. The Senator making it will probably be able to explain it. I do not understand that representative government, as promulgated by the Constitution of the United States, binds the Senate to recognize as a Member of this body one who is guilty of crime, one who is ineligible under the Constitution of the United States; and I say now that in my judgment it is an absurdity to declare that in order to exercise its power to protect itself against a person admittedly disqualified the Senate must admit him by a majority vote and then expel him by a two-thirds vote.

Mr. WATSON. Mr. President, I will give my view on that subject to the Senator very quickly. I think, perhaps, the Senator is one of those who believe in the primary system, and certainly one of those who believe in the election of Senators by direct vote of the people. He may be one of those who believe in the inerrancy of the majority, as some do; and some even go so far as to say that they advocate a liquid Constitution, the only supreme law of the land being the will of the people, expressed through the majority at any given time. Of course the Senator does not go to that extreme; but whenever a State by a majority vote sends a man to this body, then I think we are bound to recognize the voice of that State as expressed through that majority, and give a seat to the man whom they thus send. I have not any doubt in the world about that. I never have had any doubt about it, although I may say that on one occasion I did not vote in accordance with my belief on that proposition, and it is the one vote that I cast in the House of Representatives in my service there for which I have apologized time and again. I ran away from the legalists and joined the sentimentalists in the Brigham Roberts case.

Mr. FESS. Mr. President, will the Senator yield there?

Mr. WATSON. I yield.

Mr. FESS. Is not that case on a different basis from the other cases we have had, on the theory that the Territory of Utah, when admitted as a State, came in upon a condition; that condition was that polygamy was not to be tolerated; and it was that question which came up in that case, which virtually went to the matter of validity.

Mr. WATSON. There were many other features of that case, I will say to the Senator, that I do not care to go into here; but there was a tremendous sweep of passion and sentiment throughout the country at that time, and my frail bark was swamped.

Mr. FESS. However, it seems to me it was not an exception to the general practice.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question? Is the Senator confessing now that in voting as he did in the Roberts case he knowingly violated the Constitution of the United States and his oath of office as a Member of the House of Representatives?

Mr. WATSON. No; I am not making any such confession. I am glad the Senator is just going out of the Chamber when he asks me that question.

Mr. ROBINSON of Arkansas. If the Senator is going to answer it, I will remain in the Chamber until he does so. I understood him to say that he left the legalists and joined the sentimentalists, and I think the fair inference from that statement is that he knew he was voting contrary to the Constitution when he voted as he did in the Roberts case.

Mr. WATSON. No.

Mr. ROBINSON of Arkansas. If the Senator has another explanation for the very remarkable confession or declaration he has made with respect to the Roberts case, I will remain in the Chamber, although I am called out on an urgent request.

Mr. WATSON. If it is very urgent, I should advise the Senator to go.

Mr. ROBINSON of Arkansas. I have decided, Mr. President, to remain until the Senator answers it.

Mr. WATSON. I will answer the question.

Mr. President, I gave such ability as I had to the consideration of that question. I was not a member of the Committee on Elections that dealt with it. I listened to the arguments, and at the time I was not satisfied as I now am as to the constitutional requirements and inhibitions and everything relating to admission to membership.

The truth about it is that I never gave this matter the detailed consideration that it deserves until this case came up.

My first inclination was the other way, I will say to the Senator; but I studied all the precedents; I spent days investigating this question; I have gone into the arguments made pro and con; and I am profoundly convinced, first, that Colonel SMITH ought to be seated on his credentials here, and secondly, that I made a mistake in the vote I cast in the Roberts case.

Now, the Senator can be relieved.

Mr. ROBINSON of Arkansas. I thank the Senator, but he has not explained just what he meant by casting a vote from a sentimental standpoint; and I think everybody who heard the Senator from Indiana in his first statement will agree that he implied that he had voted contrary to the Constitution and to his constitutional obligation in the Roberts case.

Mr. WATSON. No; I did not say that.

Mr. ROBINSON of Arkansas. The Senator did not say it, but he implied it.

Mr. CARAWAY. Mr. President, I think the Senator's explanation just now was that he voted on all these constitutional matters without ever having read the cases heretofore.

Mr. WATSON. No; that is not true.

Mr. CARAWAY. What did the Senator say? He said he had never studied the cases until the Smith case.

Mr. WATSON. I had not studied the Roberts case. I did not go into the merits of it, as many Members of the House did not. We all understand how these cases are considered by committees, and how reports are brought out, and how the speeches are made; we listen to them in a casual way and vote; but I never went fully into the merits of a controversy of this kind until this case arose, when I had time to do it, and I felt it my duty to do it. There were many other features that I do not care to go into here which were impelling, almost compelling; but I shall not enter upon a discussion of those questions.

I want now, Mr. President, as briefly as I may, to develop my thought, to go into some of the precedents. Many of them were cited yesterday, and I think quite effectively. Some were not.

The first case to which I desire to call attention is the election case of William McCreery, of Maryland. This is what I am pleased to call a hornbook case. That is to say, it is one of the fundamental cases early decided, because it arose in the Tenth Congress in 1807. I shall not take time to read very much of it, but I want to read enough to show that at that early date this question was decided on fundamental lines and in accordance with constitutional principles, and that the ideas there laid down, upon which the decision turned in that case, have not been abandoned, except in time of war, either in the House of Representatives or in the Senate of the United States.

I read from Hinds' Precedents, page 382:

It was urged in behalf of the report that the qualifications of the National Legislature were of a national character and should be uniform throughout the Nation and be prescribed exclusively by the national authority. The people had delegated no authority either to the States or to Congress to add to or diminish the qualifications prescribed by the Constitution. In denying the right of the States to add qualifications the Congress was only protecting the rights of their citizens against encroachments on their liberties by their own State legislatures, which were corporate bodies not acting by natural right, but restrained by both Federal and State constitutions. The reserved power of the States could operate only when, from the nature of the case, there could be no conflict with national power. Congress had the power under the Constitution to collect taxes. From the nature of the case the same power was reserved to the States. Congress had power to "establish post offices and post roads." From the nature of the case the States would not reserve this power. In the same way the State could not reserve a power to add to the qualifications of Representatives. If they could do this, any sort of dangerous qualification might be established—of property, color, creed, or political professions. The Constitution prescribed the qualifications of President, as it did of Representatives. Did anyone suppose that a State could add to the qualifications of the President? In the case of Spaulding *v.* Mead, the House had decided that a State law could not render void returns made after a certain time. Qualifications for Representatives should be firm, steady, and unalterable. The National Legislature must have the power to preserve from encroachment the national sovereignty. A part of the Union could not have power to fix the qualifications for the Members of the Assembly of the Union. It is presumed that written documents say all they mean. Had the makers of the Constitution meant that there might be other qualifications, they would have said so. The people had a natural right to make choice of their representatives, and that right should be limited only by a convention of the people, not by a legislature. The powers of the House were derived from the people, not from the States. The power to prescribe qualifications had been given neither to Congress nor the States. The States might establish districts, but they might not prescribe that Representatives should be confined to the districts. The Constitution had carefully prescribed in what ways the States might interfere in the elections of Congressmen. They might prescribe the "times, places, and manner" of holding election, reserving to Congress the right to "make or alter" such regulations. This was all the Constitution gave to the States. It had been urged that the language of the clause prescribing the qualifications was negative—

As my friend the Senator from Arkansas was just claiming:

It had been urged that the language of the clause prescribing the qualifications was negative, but so also was the language of the clause prescribing the qualifications of the President.

Further on it is stated:

In prescribing the qualifications of the voters the Constitution was positive, but in prescribing the qualifications of the Representatives in Congress the language was significantly negative. The Constitution did not fix the qualifications; it simply enumerated some disqualifications within which the States were left to act. The power contended for by Maryland must be included in the common and usual powers of legislation.

I particularly call the attention of my friends on the other side to this significant statement:

Because the House was constituted the judge of the qualifications of its Members, it did not follow that it could constitute or enact qualifications.

There is the whole thing in a nutshell, the sum and substance of it all:

Because the House was constituted the judge of the qualifications of its Members, it did not follow that it could constitute or enact qualifications.

I submit, Mr. President, that that is just as fundamental now as it was in 1807, when this first case was decided.

The case of Trumbull, first in the House and then in the Senate, has been cited. I call attention only to one or two clauses in regard to that. Trumbull was a judge in Illinois. The State constitution provided that no man who was a judge could hold any other office. Trumbull was elected to the House, and had no more than taken his seat in the House than he was elected to the Senate. The same question arose about his qualifications as a Member of the House and as a Member of the Senate, and in both bodies it was decided in precisely the same way. I read now from Hinds' Precedents:

After quoting Chancellor Kent, saying: "The objections to the existence of any such power appeared to be too palpable and weighty to admit of any discussion," the report proceeds:

And Mr. Justice Story, upon the same question, says that "the States can exercise no powers whatsoever, which exclusively spring out of the existence of the National Government, which the Constitution does not delegate to them. They have just as much right, and no more, to prescribe new qualifications for a Representative as they have for a President. Each is an officer of the Union, deriving his powers and qualifications from the Constitution, and neither created by, dependent upon, nor controllable by the States.

* * * * * * *

The qualifications of a Representative, under the Constitution, are that he shall have attained the age of 25 years, shall have been seven years a citizen of the United States, and, when elected, an inhabitant of the State in which he shall be chosen. It is a fair presumption that, when the Constitution prescribes these qualifications as necessary to a Representative in Congress, it was meant to exclude all others. And to your committee it is equally clear that a State of the Union has not the power to superadd qualifications to those prescribed by the Constitution for Representatives, to take away from "the people of the several States" the right given them by the Constitution to choose, "every second year," as their Representative in Congress, any persons who had the required age, citizenship, and residence. To admit such a power in any State is to admit the power of the States, by legislative enactment, or a constitutional provision, to prevent altogether the choice of a Representative by the people.

I shall not read further from that, though in 1856 the Senate, in this very case, decided that a State might not add to the qualifications prescribed by the Constitution for a Senator.

Mr. President, in the very first Congress of the United States a contest arose from South Carolina, the case of William Smith. South Carolina seems to have the habit of sending Smiths to the Senate, and the Senate of having Smiths in contested-election cases. The South Carolina case of William Smith was the first election case in the first Congress. The House decided a Member elect was entitled to a seat on his prima facie right, although knowing that his qualifications were under examination. So that that first case decided this very question, al-

though the qualifications of this man to a seat here are not under question.

Nobody disputes that Mr. SMITH has the essential qualifications. Not only that, Senators, but nobody charges that there is any spot or blot on the credentials that he brings here. There is no fraud or corruption alleged in reference to these credentials. Nobody charges that he bought them. Nobody charges that the governor sold them. Nobody charges that there is anything crooked or corrupt about his having acquired these credentials, and having brought them here free from all taint and beyond all suspicion. That question is not involved in this controversy. He comes here, so far as this commission is concerned, to fill the unexpired term until the 4th of March, with hands that are absolutely clean and with credentials that are unimpeached and unimpeachable. It is by following up all this line of decisions and precedents from the first Congress, in the case of SMITH, to this hour, that we derive the right to say that any man who comes here duly authenticated comes here clothed with power, as evidenced by a commission given him by the people or by the governor of a sovereign State, is entitled to admission here on those credentials, possessing all the essential qualifications. That is precisely my view on the subject, regardless of the individual.

The James Shields case has been cited two or three times. In that case the charge that a Senator elect was disqualified did not avail to prevent his being sworn in by virtue of his prima facie right. I read further from Hinds' Precedents:

In 1870 a question was raised as to the citizenship of Senator-elect H. R. Revels, but he was seated, the Senate declining to postpone the administration of the oath in order to investigate the case.

That was an unusual case.

Mr. WALSH of Montana. Will the Senator again give us the reference to the case in 1870?

Mr. WATSON. A question was raised as to the citizenship of Senator-elect H. R. Revels, but he was seated, the Senate declining to postpone the administration of the oath in order to investigate the case.

That is found on page 415 of Hinds' Precedents, volume 1.

Mr. WALSH of Montana. The Senate declined to permit him to be seated until the question was investigated?

Mr. WATSON. No; he was seated.

Mr. WALSH of Montana. Eventually he was seated.

Mr. WATSON. The Senate declined to postpone the administration of the oath in order to investigate the case.

Mr. WALSH of Montana. I understood the Senator from Wisconsin yesterday to announce the proposition that if a question were raised as to whether a man had the qualifications mentioned in the Constitution, the oath would not be administered.

Mr. LENROOT. I said that it would be proper to refer the case.

Mr. WALSH of Montana. Apparently that precedent does not sustain that position.

Mr. LENROOT. It does not.

Mr. WATSON. I think that in some respects that is an extreme case, because always when a man's essential qualifications have been challenged, or any one of them has been, and the Member making the charges asked him to stand aside, he was stood aside, but in this case, notwithstanding the charge that the applicant failed to measure up to all these requirements, he seems to have been sworn in anyhow.

Mr. WALSH of Montana. Was it not likely that the House thought there was not very much substance to the charge?

Mr. WATSON. It must have thought that. Yet it was contrary to the precedents. I will say to my friend from Montana, that whenever any Member arose, as was the case here, and on his responsibility charged that a man did not have all the qualifications, and asked to have him stand aside until investigated, he should stand aside. But in this case they did not even stand him aside, but proceeded to swear him in.

I now refer to the case of John C. Connor, referred to on page 488 of these precedents. This is the case in which the question was squarely brought before the Congress. I call the attention of my good friend from Arkansas [Mr. ROBINSON] to this case. It had been charged that this man was a moral monster, and Mr. Garfield arose to ask a question.

The debate which followed was summarized by a brief colloquy, wherein Mr. James A. Garfield, of Ohio, asked:

Allow me to ask * * * if anything in the Constitution of the United States and the laws thereof * * * forbids that a "moral monster" shall be elected to Congress?

To which Mr. Eben C. Ingersoll, of Illinois, replied:

"I believe the people may elect a moral monster to Congress if they see fit, but I believe that Congress has a right to exclude that moral monster from a seat if they see fit."

The weight of the argument was all against the position assumed by Mr. Ingersoll.

I call attention to this significant and, I think, fundamental statement of the whole proposition made in that case by Mr. Henry L. Dawes. Dawes had been for 12 years chairman of the Committee on Elections in the House of Representatives and, far more than any other man in the history of the Government up to that time, had dealt with those contested-election cases, dealt with them at a time when the flames of passion were burning high, dealt with them at a time in the period of reconstruction, when great questions were presented in the midst of great bitterness because of the rancorous hostility which grew out of the civil conflict. Mr. Dawes made this statement:

When any Member, upon his responsibility as a Member, made any charge against any claimant to a seat that touched his constitutional qualifications, the House, before swearing him in, would refer the question to the proper committee to report. Beyond that the Committee on Elections came to the conclusion, and the House sustained them, it was not proper to go.

That has been the decision uniformly from that day to this in all of these cases except during the bitterness growing out of the Civil War.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Indiana yield to the Senator from Florida?

Mr. WATSON. I yield.

Mr. FLETCHER. Is it not true that the practice of the Senate for many years back has been to refer all certificates of election or credentials to the Committee on Privileges and Elections for their report before the applicant was sworn in? Has not that been the practice heretofore?

Mr. WATSON. Not that I know of. I will say to the Senator that if that has been the practice it has not fallen under my observation.

Mr. FLETCHER. I am quite sure that has been the practice, as it was when I became a Member of the Senate in March, 1909. I remember in my case, if I may be pardoned a personal reference, that practice was followed, and I think it continued for some years—until very recent years, at any rate—to be the custom and practice of the Senate. When my credentials were submitted the chairman of the Committee on Privileges and Elections—Mr. Burrows, of Michigan—asked to have the credentials referred to his committee. I was not allowed to be sworn in until the committee had reported respecting those credentials.

Mr. WATSON. Was the Senator here?

Mr. FLETCHER. I was here at the time. There was no question raised at all about the election. I had been elected by the unanimous vote of the legislature. There was no protest and no complaint anywhere, but that reference was made in pursuance of the practice which then existed. Every certificate of a governor, when submitted to the Senate, was referred to the Committee on Privileges and Elections.

Mr. WATSON. They have been referred, as I understand, as they were upon the motion of the Senator from Missouri [Mr. REED] the other day to refer all such credentials now, but that grows out of peculiar conditions. Is it not a fact, let me ask the Senator from Florida, because he seems to be more familiar with these precedents than I am, that these cases have been referred in order that the committee might investigate the validity of the credentials themselves?

Mr. FLETCHER. I think that is true. They examine the credentials to see whether they are in proper order and regular in form. I presume the committee would take into consideration every question that might be raised respecting the election or the appointment. In that case of mine there was nothing to consider but the question of the regularity of the commission.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. SMOOT. I want to call the attention of the Senator from Florida to the fact that in no case that I remember, where a certificate has been referred to the Committee on Privileges and Elections, has that committee reported to the Senate its findings. The credentials were automatically referred to the committee. I suppose if the committee found anything wrong they would take it up, but the Senator's certificate of election was never reported to the Senate by the Committee on Privileges and Elections. It was referred there and laid there, and no action was taken, and that is the situation to-day.

Mr. FLETCHER. There was no use of referring the credentials to the committee unless a report was made by the committee. They must have made some kind of a report.

Mr. WATSON. I, of course, would not dispute so able a Senator, but I can not believe that all those credentials in the past have been referred to the committee. I have not known it to happen except in rare instances; and even where they were referred, is it not a fact that all the committee investigated was the regularity of the credentials? There was no instance where they took up anything else, any extraneous matter, except to determine whether the man measured up to the three essential constitutional qualifications, and if he did, then to report that he should be admitted.

Mr. FLETCHER. Probably that is true; but that applied as distinctly in a case where there was no question raised at all and nothing was before the committee except the commission itself. They examined and I presume they reported. I do not recall whether they made a report or not in my case, but I assume they did, because the commission was referred to them and it had to come back to the Senate for the Senate to act upon it. At any rate, that was the practice in those days, and I think it has continued for years and years. Every commission was referred to that committee primarily to see whether it was regular on its face. The Senate, of course, hearing the commission read at the desk in open session, would not in every instance be able to determine precisely the language of the commission and whether it was in due form.

For instance, a commission came here the other day wherein the governor said that a certain gentleman "appears" to have been elected. Without paying very close attention to the reading of the commission, the Senate would probably not have caught the word "appears" and would have assumed that the commission was all regular and was a commission reciting that the gentleman had been elected instead of "appears to have been elected." For that reason, among others, the idea prevails and the practice and custom has been to have these commissions referred to the Committee on Privileges and Elections.

Mr. SMOOT. But they never were reported back to the Senate again from that committee.

Mr. WATSON. For the benefit of those of my colleagues and associates who desire to examine this question in detail I would refer them to chapter 18, credentials and prima facie title, page 679 of Hinds' Precedents, where he gives case after case showing that this rule has been uniformly followed and this precedent invariably carried out.

The House admits, on his prima facie showing and without regard to final right, a Member elect from a recognized constituency whose credentials are in due form and whose qualifications are unquestioned.

There is a distinction made always in these cases, I will say to my colleagues, between the prima facie right to a seat and the final right to remain here. In other words, Congress has always believed and has uniformly acted, except in war times, that when a man came here duly authenticated with proper credentials we were compelled to obey the behest of the people who sent him here to the extent of admitting him. The other side of the question then arose after the man got within the Senate walls, so to speak, which separate this body from the outside, and there then comes the question as to whether or not he is fit to remain here, whether there are questions of moral turpitude involved in his conduct or in his character which would render him incapable of holding a position here in this body.

But the two are upon entirely separate grounds. They rest upon different bases and have no relation to each other. One is based upon the right of a sovereign people to send any man here whom they want to send. Our duty is to admit such a man thus sent. The other is based upon that section of the Constitution which gives to the Senate the right irrevocably to be the sole judge of the qualifications of what? Of somebody seeking admission here? No—of its Members. Who is a Member—a man who is not in, a man who is seeking to come in?

"The sole judge of the qualifications of its Members." That is a question which is not confronting us now. I am not discussing the merits of the case. I know not how I shall vote when those merits are presented to the Senate. I only know that up to this time I have seen nothing which is at all persuasive to lead me to think Mr. SMITH should be excluded from this body.

Mr. FLETCHER. May I inquire of the Senator? He holds that upon the presentation of the commission the party named therein ought to be sworn in. Then he holds that the Senate may inquire as to his qualifications.

Mr. WATSON. Yes.

Mr. FLETCHER. Does the Senator hold that the Senate may determine by a majority vote the second question or the second step in the procedure which he mentions?

Mr. WATSON. No; I do not. The section of the Constitution squarely provides that each body is the exclusive judge of the qualifications of its Members, that they may punish them for misbehavior, and, with the concurrence of two-thirds of the body, may expel.

Mr. FLETCHER. But there have been cases determined after a Senator has been sworn in and was occupying his seat on the floor for a year or more. It was then decided, after appropriate proceedings, that his election was brought about by fraudulent or corrupt practices, or for what not, and by a majority vote it was determined that he was not entitled to a seat in this body.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. WATSON. I yield.

Mr. FRAZIER. I want to ask the Senator from Indiana if he has changed his viewpoint since the Nye case came up a year ago last December?

Mr. WATSON. No. I have been all through that case this morning. The Senator was not here, but I do not want to go over it again.

Mr. FRAZIER. At that time the Senator from Indiana was a member of the Committee on Privileges and Elections, and did not make any objection, at least, to holding up the credentials of Mr. NYE or to his not being sworn in.

Mr. WATSON. No; because the question there turned upon the authority of the governor to appoint, and nothing else. If the governor had no authority to appoint, NYE had no credentials. It was a nudum pactum. There was not anything in it. It went to the question of qualifications, and the Senator himself moved to refer or asked to have the credentials referred to the Committee on Privileges and Elections for investigation. Is not that true?

Mr. FRAZIER. That is very true; but as I said yesterday, I did so——

Mr. HEFLIN. If the Senator from North Dakota will permit me, he did not do that until he had been informed that Mr. NYE could not be admitted unless he was investigated by the committee.

Mr. WATSON. I do not know anything about what led up to that statement. I was not in on that.

Mr. FRAZIER. I made the statement yesterday that I asked to have the credentials of Mr. NYE referred to the committee after conference and after having been requested to do so by Members on this side of the Chamber, not only the Senator from Kansas [Mr. CURTIS], the floor leader, but others, and some members of the committee. They assured me that that was the only thing to be done, and that if I did not make the motion some member of the committee would make it, and that it was best for the case to have the credentials go to the committee. The credentials on the face of them were absolutely legal, and there was no question about it and no gainsaying it.

Mr. WATSON. I stated all this a while ago, and I do not care to go over it again.

Mr. KING. Mr. President, will the Senator yield?

Mr. WATSON. I yield.

Mr. KING. The Senator from North Dakota will remember that yesterday the Senator from Georgia [Mr. GEORGE] suggested the ground upon which the Senate based its action when called upon to pass upon the credentials of Senator NYE. It is obvious that the statute of North Dakota, which the governor contended gave him authority to appoint Senator NYE to fill a vacancy, was a part of the credentials or of the certificate of appointment under which Senator NYE presented himself at the door of the Senate. The governor based his authority upon the law of the State and that law, therefore, was before the Senate. It took judicial notice of the statute and in passing upon Senator NYE's credentials the Senate had the right to consider the statute.

Some Senators believed that the governor's appointment was wholly without authority and that, therefore, the certificate of appointment or election was a nullity. Others believed the governor had the right to appoint, and that the certificate held by Senator NYE gave him the undoubted right to become a Member of this body. Because of these conflicting views the certificate, or the credentials, of Senator NYE, with the consent of the senior Senator from North Dakota, were referred to the proper committee for action.

Mr. WATSON. Mr. President, I have been all through that, I will say to my friend from Utah. I have debated that matter as much as I care to.

Mr. WALSH of Montana. Mr. President——

Mr. WATSON. I yield to the Senator from Montana.

Mr. WALSH of Montana. The Senator from Indiana has just now suggested an idea heretofore adverted to that is of the very greatest consequence. As I understand him, he is

now taking the position that a man is not a Member of this body, so as to set in operation the provisions of the Constitution, until he is sworn in; that is to say, when the Constitution provides that the Senate shall have the right to judge of the elections, returns, and qualifications of its Members it can not do anything until the Member is sworn in. Is that the view of the Senator?

Mr. WATSON. No. My view is that when it comes to dealing with the question of the merits of the proposition the Senate can do nothing until the man shall have been sworn in, because he is then a Member.

Mr. WALSH of Montana. That is the way I understood the Senator. If that be the case, then, how does the Senator justify our action in the Nye case?

Mr. WATSON. I justify it by reason of the fact that Mr. NYE came here without the essential credentials.

Mr. WALSH of Montana. Wait a moment. The Senator from Indiana is taking the position that a man is not a Member of the Senate until he shall have been sworn in, and that the Senate has the power only to judge of the elections, returns, and qualifications of its Members. Then, if Mr. NYE was not a Member, what right did we have to inquire about his election?

Mr. WATSON. The Senate had just the same right that the Senator now claims it has to deal with Mr. SMITH.

Mr. WALSH of Montana. Of course. But I do not agree with the Senator from Indiana.

Mr. WATSON. That is unfortunate.

Mr. WALSH of Montana. I maintain the position that the Senate has the power to inquire into the election of a Member before he is sworn in. Of course that must be so.

Mr. WATSON. I will say to my friend from Montana that I have already stated that a man must come here clothed with the essential qualifications.

Mr. WALSH of Montana. Oh, yes; but that is a different matter.

Mr. WATSON. And that we have a right to investigate that question.

Mr. WALSH of Montana. That is a different question.

Mr. WATSON. And that the question was raised in the Nye case that the governor had no right to appoint. That put us upon inquiry.

Mr. WALSH of Montana. Oh, of course.

Mr. WATSON. Certainly.

Mr. WALSH of Montana. But that is altogether aside from the proposition——

Mr. WATSON. I do not think so.

Mr. WALSH of Montana. That the Senator from Indiana asserted a few moments ago that a man is not a Member until he is sworn in.

Mr. WATSON. He is not.

Mr. WALSH of Montana. Of course. It then follows that the Senate can not inquire into his election returns or qualifications until he is sworn in.

Mr. WATSON. Not at all.

Mr. WALSH of Montana. But I assert that there is no doubt about the right of the Senate to inquire into his election before he is sworn in. It must be so.

Mr. WATSON. I disagree with the Senator entirely in his conclusion.

Mr. WALSH of Montana. Otherwise we had no power whatever to inquire into the election of Senator NYE, because he had not been sworn in and was not therefore a Member. I do not agree to that, but that is the position of the Senator from Indiana.

Mr. WATSON. Yes; that is my position; I have no doubt about it, and the uniform precedents are that way; that when it comes to the question of the essential qualifications of membership we have a right to inquire into them before the man is admitted if there is a question raised as to his age or if he lives in the State.

Mr. WALSH of Montana. The Senator from Indiana is not talking about the proposition I addressed to him a moment ago.

Mr. WATSON. After a man has been admitted and becomes a Member of the Senate, we are the exclusive judge of his qualifications to sit here.

Mr. WALSH of Montana. It follows, then, that until he is sworn in he is not a Member, so that we have no right to inquiry into his qualifications.

Mr. WATSON. We have no right to inquire into anything except whether he comes here duly authenticated and clothed with the essential qualifications as set forth in the Constitution of the United States.

Mr. WALSH of Montana. Then, how can we justify our act in the Nye case?

Mr. WATSON. We justify it, as I have said to the Senator, because one of the essential qualifications is that the governor has the right to appoint, and we were apprised in the beginning that he did not have the right to appoint; and if he did not, then Mr. NYE came with no credentials; they were a mere scrap of paper.

Mr. GLASS. It turned out, however, that in the judgment of the Senate the governor did have the right to appoint.

Mr. WATSON. Some of us did not think he had.

Mr. GLASS. Then, the assumption is that the governor or the State authorities know better than the Senate whether or not a man is qualified.

Mr. FRAZIER. Mr. President, I should like to ask the Senator from Indiana who made the inquiry in regard to the law of North Dakota, as to whether the governor had the requisite authority?

Mr. WATSON. Oh, we were deluged with letters on that point.

Mr. FRAZIER. Was there any official investigation made?

Mr. WATSON. We were deluged with letters and telegrams setting forth that to be the fact.

Mr. FRAZIER. But was there anything official?

Mr. WATSON. No; and there never is in these cases.

Mr. FRAZIER. That is what I want to know.

Mr. WATSON. Always somebody or some set of bodies will communicate with somebody in the Senate or in the House and give the recipient of the information reason to believe that the man who is an applicant for admission has not the essential qualifications, whereupon all along the line, in the past, it has been the case that some Member would rise in his place and make the statement that he was duly informed, and he made the statement upon his authority and his responsibility as a Member, that Mr. So-and-so did not have the essential qualifications. We were all informed of it. I had briefs that set forth both sides of the question before Mr. NYE came here.

Mr. FRAZIER. Yes; but there was nothing official.

Mr. WATSON. How can there be anything official?

Mr. FRAZIER. Then the Senator designate is entitled to be sworn in until it is decided that his credentials are wrong.

Mr. WATSON. The action upon Mr. NYE's case was by unanimous consent; there was no objection, no exception.

Mr. CURTIS. Mr. President, will the Senator from Indiana permit me to interrupt him? I think I ought to make a statement about the Nye case. It will take me but a moment.

Mr. WATSON. I yield to the Senator from Kansas.

Mr. ROBINSON of Arkansas. Is this going to be another confession?

Mr. CURTIS. No; it is not going to be a confession. Protests had been sent to a number of Senators with reference to the right of the Governor of North Dakota to appoint. I looked up the question as well as I could with the time at my disposal, and was in doubt about it. I then asked a number of members of the Committee on Privileges and Elections before Mr. NYE came here if they would not consider it. When Mr. NYE came they had not as yet reached a conclusion. Then, I had a talk with the Senator from North Dakota [Mr. FRAZIER] and with Mr. NYE, and suggested that the question was being investigated, but it had not as yet been decided, and that I believed it would be better for the Senator from North Dakota [Mr. FRAZIER] to ask that the matter be referred to the committee, because, if he did not do so, some member of the committee would move to refer the credentials. After we consulted, believing that that would be the best way to dispose of it, the Senator from North Dakota [Mr. FRAZIER] asked that the matter be sent to the committee.

Mr. WALSH of Montana. Mr. President, the inquiry of the Senator from Arkansas prompts me to inquire how the Senator from Kansas voted in the Brigham Roberts case?

Mr. CURTIS. It has been so long that I have forgotten, but I think I voted against him. Let me say here, Mr. President, that when I was a Member of the House years ago when the Republicans had a majority and a contested-election case arose the majority assigned every possible reason to vote to turn out the Democrat, and when the Democrats had a majority they voted to turn out the Republican.

Mr. ROBINSON of Arkansas. The Senator does not mean that.

Mr. CURTIS. That is absolutely true. That was the practice for years.

Mr. ROBINSON of Arkansas. That is a terrible arraignment against the Republican Party the Senator is making. [Laughter.]

Mr. CURTIS. It applies to the Democratic Party as well; but it is the fact just the same.

Mr. ROBINSON of Arkansas. The Senator surely does not mean to say that election contests in the House of Representatives are determined purely upon political considerations——

Mr. CURTIS. I mean to say——

Mr. ROBINSON of Arkansas. Wait a moment—and that he participated in that method of determining election contests?

Mr. CURTIS. I say that for years in the House when the Democrats were in control, when there was a contest, they turned out the Republican, if they could assign a possible reason for doing so, and when the Republicans were in control they took the same course; and everybody knows it.

Mr. ROBINSON of Arkansas. Yet the Senator does not know how he voted in the Roberts case?

Mr. WALSH of Montana. If the Senator will pardon me, I have the RECORD before me.

Mr. CURTIS. I voted to keep him out.

Mr. ROBINSON of Arkansas. But the point is, Did the Senator vote to keep him out? That is the point.

Mr. WALSH of Montana. I have the RECORD before me, and I find that both the Senator from Kansas and the Senator from Indiana, who now has the floor——

Mr. WATSON. I voted to exclude him.

Mr. WALSH of Montana. Both voted to deny Roberts the right to take the oath.

Mr. WATSON. I have so stated, and I am very glad the Senator sees fit to expose my poor and undeveloped opinions in order to impeach what I am now saying after mature thought.

Mr. ROBINSON of Arkansas. Yes; the Senator from Indiana and the Senator from Kansas vote to exclude when political considerations prompt them to do so and vote to admit——

Mr. WATSON. No.

Mr. ROBINSON of Arkansas. And not to exclude when political considerations prompt them to do that.

Mr. WATSON. The Senator is putting words into my mouth that I did not utter and that I do not stand for or subscribe to.

Mr. ROBINSON of Arkansas. I know that nobody has to put words in the mouth of the Senator from Indiana; his mouth is full of words—words, words, words. [Laughter.]

Mr. WATSON. And I am going to pour them out on my friend. I am going to say to him that I did not vote in the Roberts case to exclude him because he was a Democrat. That was not necessary, because we had an overwhelming Republican majority.

Mr. ROBINSON of Arkansas. Does the Senator mean to imply that if it had been necessary he would have done so?

Mr. WATSON. Mr. President——

Mr. ROBINSON of Arkansas. Oh, well, now, will the Senator answer that question?

Mr. WATSON. I will answer it in my own way.

Mr. ROBINSON of Arkansas. Oh, no.

Mr. WATSON. I decline to permit the Senator to answer for me.

Mr. ROBINSON of Arkansas. Will the Senator answer that question "yes" or "no"?

Mr. WATSON. No; I will not answer that question "yes" or "no."

Mr. ROBINSON of Arkansas. Very well.

Mr. WATSON. I am going to answer it in exactly the same way my friend from Kansas answered it. It is true that in the old days when the Senator from Kansas and I were Members of the House—and he went to the House 34 years ago and I went there 32 years ago—we sat there, and when contested-election cases arose time and time again, just as the Senator from Kansas has stated—in the great majority of instances when the Democrats were in power—they brought in reports to unseat Republicans; and when the Republicans were in power they brought in reports to unseat Democrats; and every time they brought in a report to unseat a Democrat, by the eternal, I voted to support the committee. [Laughter.]

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Indiana yield?

Mr. WATSON. I yield.

Mr. ROBINSON of Arkansas. I call the attention of the Senate to the confession which the Senator from Indiana now makes——

Mr. WATSON. I have already called attention to it.

Mr. ROBINSON of Arkansas. That he always voted, when a Member of the House of Representatives, to exclude a Democrat when the committee brought in a report favorable to exclusion, clearly implying that he then disregarded his responsibility under the Constitution.

Mr. WATSON. No; that is not true.

Mr. ROBINSON of Arkansas. The Senator, then, thinks that his responsibility as a Member of this body and as a Member of the House is to exclude Democrats whenever the opportunity arises. [Laughter.]

Mr. WATSON. I am not as keen on that as I used to be, but I still have some of it in me, I will say to the Senator. [Laughter.]

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will be good enough to yield again, the course of the debate indicates that the standard which the Senator from Indiana is raising to-day is a political standard in determining the qualifications of Members of this body.

Mr. WATSON. No; I do not agree to that.

Mr. ROBINSON of Arkansas. I respectfully submit that that is not the standard prescribed by the Constitution of the United States.

Mr. WATSON. To which I entirely agree; but I decline to permit the Senator to raise that standard and ask me to march under it; I am not marching under it.

Mr. ROBINSON of Arkansas. The Senator has raised his own standard, and now refuses to march under it.

Mr. WATSON. No; I told the Senator, just as the Senator from Kansas told him, that back in the old days we followed the report of the committee and that always the report of the committee was a partisan report. I say "always," but it was in the very great majority of instances.

Mr. ROBINSON of Arkansas. The Senator does not mean that.

Mr. WATSON. And the Senator from Arkansas and I sat there across the aisle and looked each other in the face, and he voted to sustain the Democratic committee to put out Republicans and I voted to sustain Republican committees and put out Democrats.

Mr. ROBINSON of Arkansas. The Senator may make that confession as against himself, but he can not sustain that charge against me.

Mr. WATSON. Can the Senator name any Republican that he voted to keep in the House when the report of a Democratic committee was to the contrary? [Laughter.]

Mr. ROBINSON of Arkansas. The Senator from Arkansas can not recall the various contests that occurred while he was a Member of the House of Representatives. But, seriously, Mr. President, I object to the determination of this question as a political issue. The object of the Senator from Indiana is manifest. It is an effort to line up the forces in this Chamber according to politics.

Mr. WATSON. No——

Mr. ROBINSON of Arkansas. I respectfully submit that that effort ought not to prevail. This question ought to be determined upon its merits in accordance with the Constitution.

Mr. WATSON. How could such a thing as that be in this instance; for, if FRANK SMITH shall be excluded, there is a Republican Governor in Illinois and he will appoint another Republican and send him here? It is not a question of politics, so far as I am concerned.

Mr. ROBINSON of Arkansas. No; and it is not a question of the right of the States to equal representation, the reason the Senator has stated; but the Senator's whole argument and his confession disclose the fact that he thinks, or used to think, that such questions ought to be determined according to political alliances.

Mr. WATSON. I am willing for the Senator to fight that out with himself. I have stated——

Mr. ROBINSON of Arkansas. No; I want to fight it out with the Senator from Indiana.

Mr. WATSON. I have stated exactly my position.

Mr. ROBINSON of Arkansas. I know the Senator from Indiana actually has in his moral constitution a higher standard than that which he is trying to raise in the Senate to-day.

Mr. WATSON. Mr. President, I can not permit my friend, with all of his apparent sincerity, to charge me with something of which I am not guilty. As much as any other man in this body, I will say that I tried to keep FRANK SMITH from coming here.

Mr. ROBINSON of Arkansas. Why?

Mr. WATSON. That is my business. [Laughter.]

Mr. ROBINSON of Arkansas. No; it is our business.

Mr. WATSON. No; it is not your business; that is my business.

Mr. ROBINSON of Arkansas. Why did the Senator try to keep FRANK SMITH from coming here? That is the gist of his declaration. Why should he try to keep out a Senator who is entitled to be sworn in immediately upon the presentation of his credentials? If he is sincere now, why should he have exerted his influence in trying to prevent the Senator designate from presenting his credentials to this body?

I do not have to leave the Chamber just at this time, and I should like to have the Senator from Indiana answer that question.

Mr. WATSON. Mr. President, I must decline to answer that question, because it is my particular private business, and it is none of the business of the Senator from Arkansas or of the United States Senate.

Mr. ROBINSON of Arkansas. That is a most remarkable statement.

Mr. WATSON. Which is entirely proper, and which is right. I do not mean anything offensive, of course. I meant simply to state a fact.

Mr. ROBINSON of Arkansas. Why, certainly not. Nothing that the Senator could say deliberately would be offensive.

Mr. WATSON. I thank the Senator.

Mr. ROBINSON of Arkansas. But I still respectfully suggest to the Senator that having declared that he tried to keep the Senator designate from presenting his credentials to the Senate, he ought to tell the Senate what prompted him to take that course.

Mr. WATSON. I do not think so. It has not anything to do with this case. It would neither add to nor take from any of the argument. It elucidates no principle; it sets forth no idea; it illuminates nothing. It might gratify a personal desire on the part of my friend from Arkansas, but I have not any special idea of doing that now.

I will go on now. I desire to talk a little about this case, if I can have an opportunity to do it.

Mr. DALE. Mr. President, may I ask the Senator a question?

Mr. WATSON. Yes; I yield to the Senator from Vermont.

Mr. DALE. I am asking the Senator this question because I give great weight to the statements of the Senator, and I do not want in any way to be misled by them. I hope I quote him accurately in the statement I understood him to make, that nothing had come to his attention that would lead him to think there was any reason why the Senator who is now presented here should be excluded. I assume that the Senator means nothing under the commission of the governor; that he does not go any further with that statement?

Mr. WATSON. Yes; that he comes here with all the qualifications required by the Constitution, and therefore it is our business to admit him.

Mr. HARRISON. Mr. President, the last statement of the Senator, that he employed his efforts to keep Mr. SMITH from coming here, makes me a little curious. When did that happen—before Mr. SMITH was appointed by the Governor of Illinois or was it afterwards?

Mr. WATSON. Mr. President, when the Senator and I go out in the back lobby here to sit down and have a little conversation, I will tell him all about it——

Mr. ROBINSON of Arkansas. I object, Mr. President.

Mr. WATSON. But I am not going to tell him now.

Mr. ROBINSON of Arkansas. I object.

Mr. HARRISON. Will not the Senator answer this question: At the time he employed his influence, both before and after the appointment came to Mr. SMITH from the governor, did the Senator from Indiana then entertain the view as expressed in his vote in the Roberts case, or the view that he is now expressing in the defense of Mr. SMITH?

Mr. WATSON. I have stated that five or six times. Why does the Senator want to put the question again?

Mr. HARRISON. No; the Senator has not.

Mr. WATSON. I have stated that I am now giving the Senate my mature, deliberate opinion after a full investigation of the precedents and all the arguments that have been made for a hundred years on this question in Congress, both House and Senate.

Mr. HARRISON. When the Senator was employing his influence to persuade Mr. SMITH from coming here, he had not given that mature thought to it?

Mr. WATSON. I had given some thought to it; but I am not going to enter into the question of any private relations between Mr. SMITH and myself, whether I have any or not. I had my own reasons for calling him and talking to him, and I called him and talked to him, and told him I thought he ought not to come here at this particular time or in this session with these credentials. That is my business.

Mr. HARRISON. And at that time the Senator thought——

Mr. WATSON. Mr. President, I decline to answer any further questions on that private matter.

Mr. HARRISON. All right.

Mr. WATSON. Mr. President, proceeding now with the consideration of the case, and lopping off all extraneous matter, I desire to call the attention of the Senate to the case of Mr. Stephen A. Corker, of the fifth congressional district of Georgia. Mr. P. M. B. Young, of Georgia, presented the credentials and asked that he be sworn in. Mr. Benjamin F. Butler, of Massachusetts, objected, and after presenting the memorial of Thomas P. Beard, claiming the seat, moved that the petition and the credentials of Mr. Corker be referred to the Committee on Elections.

In the course of the debate on Mr. Butler's motion, Mr. Henry L. Dawes, of Massachusetts, whom I have before quoted, said:

> Sir, I, as the organ of the Committee on Elections for 12 years, have time and again so stated. It has been stated on behalf of that committee on the floor of this House, and it stands in the Globe, as well on the part of one side of the House as on the other, that the certificate of a Member, where there was no allegation against his eligibility, of his lack of loyalty, or other ineligibility, entitled him to be sworn in. It has been the struggle during all these disturbed times of that Committee on Elections to hold to the precedents and to the law against passion and against prejudice, so that if the party should ever fall into a minority they should have no precedent of their own making to be brought up against them to their own great injury. Now, with nothing to be gained, but with everything to be lost, by the precedent now sought to be established, I entreat the House to adhere to the ancient rule.

And upon that plea the motion of Benjamin F. Butler was disagreed to—yeas 42, nays 147.

Again:

> Credentials being in regular form and unimpeached, the House honors them, although there may be a question as to the proper limits of the constituency.

In that case Mr. Frank Hurd, of Ohio, objected to the immediate swearing in of Mr. Ezra B. Taylor; but it was argued by Mr. William McKinley, of Ohio, and by others that Mr. Taylor's prima facie right to be sworn in was perfect, the certificate raising no doubt as to its completeness and legality.

The same is true in the Virginia election case of Garrison versus Mayo.

There is a New Mexico case of Chaves versus Clever in the Fortieth Congress:

> Credentials being impeached by a paper from a Territorial officer, the House declined to permit the oath to be administered until the prima facie right had been examined.

Which is all we have a right to examine at this time—not the final right to stay here, but the prima facie right to be seated in the first instance.

There are many of these cases, Senators, that I might cite.

In the Senate election case of Lane and McCarthy versus Fitch and Bright, from Indiana, in the Thirty-fourth and Thirty-fifth Congresses:

> The Senate decided that a person presenting credentials in due form should be sworn in, although a question had been raised as to his election.

That is another extreme case. It goes even beyond the usual line of precedents. It was an Indiana case; and where there were objections to the election, even there the Senate of the United States passed over those objections and administered the oath to these applicants for seats here.

On February 9, 1857, the credentials of Mr. Graham N. Fitch, of Indiana, were presented here, and led to a long debate which I shall not take time to read; but in every one of these cases it was decided that where credentials were presented in perfect form, the applicant being clothed with the essential qualifications, full force and validity were given to the credentials, and the oath administered to the applicant.

> An instance wherein the House authorized an investigation of the credentials and elections of persons already seated on prima facie showing.

That is on page 704 of these precedents.

> The Senate election case of David Turpie in the Fiftieth Congress.

Senator Turpie of Indiana.

> The Senate gave immediate prima facie effect to regular credentials, although a memorial impeached the regularity and legality of the election.

That is another case that went beyond the usual line of precedents, because, as a general rule, as I have stated before, where objection was made to the legality of the election or to any of the essential qualifications of the Member, he was asked to stand aside; but here, even where those things were questioned, he was not asked to step aside, and the oath was administered.

I might go on here for a solid hour or two hours to cite these precedents, but I think we are quite familiar with the line of decisions from start to finish; and we will find that there has been no variation except in time of war, and with the exception, over on the House side, of the Brigham Roberts case.

The most celebrated case in history, of course, is that of John Wilkes. If I had not been detained so long by questions, I would discuss that case somewhat at length. It occurred in the English Parliament five or six years before our Constitutional Convention met, and, of course, the fathers who

established the Constitution were entirely familiar with the case in all of its details. All I care to say is that John Wilkes was expelled three times from the Parliament and was excluded twice. There was no objection made by John Wilkes, or anybody representing him, or by the public press, when he was expelled. It was universally admitted that, being the judge of the qualifications of Mr. Wilkes to sit in Parliament, Parliament had the right to deal with him and expel him if it saw fit to do so.

But all of the great battle cry of that period of "John Wilkes and Liberty," and various other slogans of that time, grew out of the fact that he was excluded, thereby denying to a constituency, a portion of the British public, the right to elect whomsoever they pleased to Parliament and the right to have him seated when he went there properly accredited. That was a magnificent and remarkable case, wherein were features more startling and extraordinary than in any other of which we have knowledge in connection with British parliamentary procedure; but I want to call attention to the fact that after the Wilkes people came into power in 1782, after the House of Parliament had recovered its liberty and had been emancipated from the control of the ministry and the King, it adopted, on the motion of Wilkes himself, the resolution, which I am about to read. This case was used with startling and instantaneous effect by Congressman Charles E. Littlefield in a very wonderful legal argument made to the House of Representatives in the Roberts case.

Wilkes himself introduced this resolution:

That the said resolution—

That is, the resolution of February 17, 1769, declaring him—Wilkes—incapable of being elected—

be expunged from the journals of this House—

Why?

as being subversive of the rights of the whole body of electors of this kingdom.

They resolved to expunge what?

Said Littlefield:

I beg the House to notice "the resolution of February 17, 1769," declaring him ineligible. Why? Because it was "subversive of the rights of the whole body of electors of this kingdom."

The Congressman continued:

That the significance of this resolution and its vital importance, as declaring the lack of power of one branch of the legislature to add a qualification, was fully appreciated at that time clearly appears from the discussion on its adoption. While Fox conceded the principle, he thought the resolution unnecessary, as it would not have the force of law and would not change the doctrine. The lord advocate agreed with Mr. Fox and spoke principally to the idea of excluding anyone from a seat in the House by a mere resolution of the House and without the concurrence of the other branches of the legislature. Such a resolution would be contrary to all law and to the very spirit of the Constitution, according to which no one right or franchise of an individual was to be taken away from him but by law.

Wilkes was a man of almost supernatural resources in the line of fighting his battles against the Crown and the officers of the law. He had writs of error, habeas corpus petitions, and every artifice known to the law; but at no time during that whole period of 20 years from 1762 to 1782 did either Wilkes or any champion of his make any complaint as to the impropriety of the action of the House, in the two expulsions. Bear this in mind—the original historical distinction between "expulsion" and "exclusion." This is not all. These things were not done in a corner.

Then Littlefield proceeded to argue the merits of the controversy by citing Hamilton and Madison, and the other fathers of the Republic. Madison opposed the proposed section 2, Article VI, the way it had been originally proposed—

as vesting an improper and dangerous power in the legislature. The qualifications of elector and elected were fundamental articles in a republican government and ought to be fixed by the Constitution. If the legislature—

And by that he means the Congress—

could regulate those of either it can by degrees subvert the Constitution.

All of the other fathers held substantially to that idea. So that when they incorporated these three essential qualifications as the qualifications necessary to admission they put all of the qualifications into the Constitution that they thought any man should be required to have in order to be admitted to membership here, and if he had been guilty of conduct involving moral turpitude that should not be sufficient to exclude him, but should be ground for investigation, with a consequent expulsion if he were found guilty.

I need not go into that further. Anybody who cares to may read it. I think it is one of the most interesting cases that have ever been discussed in Congress on that subject.

Mr. President, I have occupied altogether too much time, far more than I had expected to occupy when I rose to speak. The interruptions have been numerous, but all very pleasant, and I think have added to the enjoyment of the occasion, at least to my own pleasure.

I think it is a very serious question that confronts the Senate, the question of the right of the people of Illinois to be represented in this body by two Senators for the remaining portion of this term, unless some occasion shall arise which would lead to a contrary resolution. At all events, having in mind the Constitution of the United States, having in mind the unbroken line of precedents throughout all these years, having in mind the great legal minds that have been occupied in the discussion and consideration of this question for over a hundred years, I have but one conclusion to which I can arrive by any mental process of which I am capable, and that is that Mr. SMITH comes here endowed with all the essential qualifications enumerated in the Constitution, and that it is our solemn duty to admit him here and to refer his credentials to the Committee on Privileges and Elections, so that they may take whatever steps they may see fit to take in the days that are to come.

Mr. FRAZIER. Mr. President, the case of my colleague [Mr. NYE] has been drawn into the discussion so often that I feel that I must make some explanation in regard to it.

It is true that when the credentials of my colleague came to the Senate from the Governor of North Dakota a year ago last December, a number of complaints were filed with Members of the Senate and members of the Committee on Privileges and Elections against the seating of Senator NYE, claiming that the governor had not legal authority to make the appointment. But no official investigation had been made by anyone here. The nearest to an official investigation was the purported opinion of the constitutional attorney from New Hampshire [Mr. MOSES]; but that was not official on the part of the Senate.

The appointment made by the Governor of North Dakota was regular in form without any question. It was referred to yesterday here on the floor as being tainted, and some other epithets of that kind were used. I object to such statements as that, because there is no doubt that the governor made the appointment in due form, and no legal steps had been taken to show that it was not in due form until after the case had been referred to the committee.

Mr. MCKELLAR. Mr. President, not only that, but the Senate held it to be right and proper and in due form, and seated Mr. NYE; and, as I understand it, since that time the people of North Dakota have elected him for a term in this body.

Mr. FRAZIER. That is very true. While I was advised by a number of the leaders on this side of the Chamber that the proper method was to have the credentials referred to the committee, because there was some question about the power of the governor to make the appointment, it appears to me, from the discussions which have gone on here on the floor yesterday afternoon and this afternoon, that a good many of those Senators who are now so strongly of the opinion, in this case and in all other cases, that a Senator designate should be seated before any question is raised, have changed their minds somewhat since a year ago last December. Of course, I was not as regular at that time as I am supposed to be now, and perhaps that makes some difference, but it appears to me that some of the regulars on this side at least were a little irregular a year ago last December in their advice and action in the Nye case.

The argument has been made that no State should be deprived of equal representation in the United States Senate, and I think there is a great deal to that. But it will be noted that the date of the appointment by the Governor of Illinois of Mr. SMITH was December 16, 1926, a little over a month ago. The Senator from Indiana [Mr. WATSON] has admitted that he did all he could to keep Mr. SMITH from coming here with his credentials. Why the change of heart? Now, the Senator is very strong for the seating of Mr. SMITH. It would be interesting indeed to know why Mr. SMITH did not come before this, why he did not come immediately after he was appointed. The great State of Illinois has been deprived of equal representation here on the floor of the Senate for the past month because the Senator designate did not come here to ask for his place in the Senate.

Mr. NEELY. Mr. President, in view of the reception accorded Mr. SMITH by this body, does the distinguished Senator from North Dakota think that the appointee would have been

justified in presenting himself at the bar of the Senate at an earlier date?

Mr. FRAZIER. Mr. President, I may say to the Senator from West Virginia that I made the statement that it would be interesting to know just why he did not come before, just what pressure was brought to bear upon Mr. SMITH not to come here earlier. According to newspaper reports that are current, and other reports that are current about the Capitol, it would seem that a great deal of pressure has been brought to bear on Mr. SMITH to keep him away. I believe I am safe in saying, Mr. President, that a good deal of pressure has been brought to bear on those Senators who opposed Mr. SMITH coming here to get them to change their viewpoint and let Mr. SMITH in. There is altogether too much politics played here in the Senate of the United States. The quicker we get away from that, the better it will be for all concerned, not only better for the Senate but it will be better for the various States and the people of the Nation.

It may be that in this case the credentials should be accepted, but I can see no great difference between this case and that of my colleague, Senator NYE, a year ago, and I can see no great harm in referring Mr. SMITH'S credentials to the Committee on Privileges and Elections for their consideration. They certainly can decide the case in a shorter time than the time that elapsed between Governor Small's appointment of Mr. SMITH and the time Mr. SMITH presented his credentials. So the great State of Illinois will not be deprived of equal representation or should not be deprived of equal representation for a longer time, at least, than the time which has already expired since the governor made the appointment.

Furthermore, the statement was made by several Senators that the credentials of Mr. SMITH are perfectly regular. That may be so, but the question arises in my mind whether or not Governor Small, of Illinois, would have appointed Mr. SMITH to fill this vacancy for the short term had Mr. SMITH not been Senator elect from that State for the term beginning March 4. I do not know whether he would have or not, but I have a doubt in my mind, and I think a great many others have.

In view of that fact, it seems to me the charges that have been filed against the Senator elect from Illinois should have some consideration in this case, and I believe they are entitled to consideration, from the very fact that, in my opinion, Governor Small would never have named Mr. SMITH to fill the short term had it not been for the fact that he was Senator elect from the State of Illinois.

Mr. President, I made no serious objection to the Senate referring my colleague's credentials to the Committee on Privileges and Elections. I am going to be consistent and make no objection now to referring the credentials of Mr. SMITH to the same committee, and it will be interesting to note the consistency of some of the others here on the floor of the Senate.

Mr. DILL. Mr. President, there is one feature of the resolutions now pending that has not been discussed, so far as I know, to which I desire to call attention.

The resolution of the Senator from Illinois [Mr. DENEEN] provides that after Mr. SMITH shall be sworn in, the whole case shall be referred to the Committee on Privileges and Elections, without any limit of time as to when that committee shall report back to the Senate. The resolution of the Senator from Missouri [Mr. REED] provides that this case shall be referred to the Committee on Privileges and Elections, without any provision as to when they shall report back to the Senate.

That simply means that the vote upon this question which now confronts us will probably be the only vote the Senate will take on the seating of Mr. SMITH at this session of Congress. We are only six weeks away from the date of adjournment. If Mr. SMITH shall be sworn in, and his credentials then referred, it will be a simple matter to prolong the hearing in order that there will be no report here in time for further consideration before the 4th of March. This would not be fair to the Senate.

On the other hand, if the other resolution be adopted it might be that no report would be made, and that would not be fair to Mr. SMITH. I think both resolutions should have a provision that a report must be made back to the Senate within a certain stated time, or at least the committee required to come back here for further extension of time on showing of cause for such extension.

Mr. President, I shall not to-day take time to review the technical arguments which have been made on the subject, but I do want to call attention to one or two facts about the provisions of the Constitution. Anybody who has studied the Constitution of the United States at all, and especially anyone who has read the interpretation of the words of the Constitution by the courts, knows that there are no useless or unnecessary phrases in it. He knows also that the Constitution was arranged in a certain order.

I can not see anything in the Constitution anywhere that justifies the statement made here by Senators that the restrictions apply to a man who comes here with a certificate, while the grant of power in the provision relating to returns, elections, and qualifications applies only after a man has been seated.

I heard the Senator from Idaho [Mr. BORAH] raise the question as to when a man is a Member because that provision of the Constitution says "qualifications of Members." We must use ordinary methods of interpretation of the language of the Constitution as well as elsewhere. I remind Senators of the fact that in any organization or any lodge of any kind a provision as to the qualifications of members results in the members already seated or already in the organization inquiring as to those qualifications before they admit a prospective member. That is the common interpretation. When the Constitution of the United States says that the Senate shall have the power and shall be the judge of the elections, returns, and qualifications of its Members, the Senate has a right to be the judge of whether it will apply the test of qualifications before he takes his oath or after he takes it.

There are plenty of cases on the subject to prove either contention, but there are no cases which are fully in point with the present one, for the reason that never in the history of the Senate has there been a case in which a committee of the Senate had already made an official investigation and made an official report to this body of the facts about a man who came here presenting himself for membership in the body. We have here the prima facie evidence of the governor's certificate, on the one hand, and we have, on the other hand, the prima facie evidence of the investigating committee. I recognize there may be a defense for the acts which are admitted to have been done by Mr. SMITH, but the acts as set forth in the Senate committee hearings and report are unchallenged and admitted. We are, therefore, confronted with the official information that a man comes to this Chamber guilty of certain acts. What shall we do under these circumstances?

It was said yesterday that we must take official notice of the constitution and the laws of the State when the credentials are presented. Certainly if that be true in other cases it is true in this case. As the Senator from Tennessee [Mr. MCKELLAR] proved in a speech recently, Mr. SMITH is guilty of violating the laws of Illinois in accepting the gift which he did accept in the form of a contribution to his campaign in the sum of $125,000. Certainly if we had a right to cause Mr. NYE to stand aside because of doubtful interpretation of the laws and constitution of the State of North Dakota, with equal force and propriety have we the right to cause Mr. SMITH to stand aside in the light of his admitted violations of the laws of the State of Illinois.

I think it was Thomas Jefferson who said, "The art of government is simply the art of being honest." He said also, "The principles of right and wrong are so simple that they require not the aid of many counselors." The question that is presented here for us to decide in regard to Mr. SMITH is a question of honesty in government. That is all there is to it, as I see it. Honesty is a simple virtue, so simple that the most lowly and the most ignorant can understand and practice it. Yet it is so important that the wisest and the wealthiest dare not disregard or violate it. In government, honesty is the very corner stone of the temple.

What are the facts regarding Mr. SMITH, who comes here applying for a seat in the Senate, as to his honesty in the affairs of government? I say the record shows he is not fit, from the standpoint of an honest public official, to be admitted into this or any other public body. He accepted a gift of $125,000 from Samuel Insull, the largest owner of public utilities in the world, at a time when he was chairman of the Public Service Commission of Illinois. That commission fixes the rates and fixes the amount of bonds, and in fact controls the financial life of those institutions.

Why did Mr. Insull give him the money? Was it because of what he had already done in the form of special-privilege decisions in the interest of those corporations? If so, it is a form of bribery of the worst kind. Was it because of votes he was expected to cast in this body if elected? If so, he is not free to legislate honestly in the Senate of the United States. If we swear him into office here and allow him to become a Member of this body, we permit him to vote on legislation here knowing that during the time the investigation is going on his vote may decide the fate of measures which are of tremendous import to the people of the whole country.

In my judgment the worst crime that a man can commit as a public official is to be bound by money to vote for or against any particular legislation. We talk about the crimes of men in the catalogue of criminals, but when it comes to holding a seat in the Senate and voting on legislation here, there is no crime comparable to the crime of being under obligation to great corporations which expect special privileges in the form of votes to be cast in this body. So I say whether he accepted this money because of special favors and special decisions in the past, or because of favors it was expected he would grant when he was a Member of this body, he is unfitted to sit here.

I do not agree with those Senators who tell us that we are not to consider any of the facts in the case; that this is a mere legal, constitutional question. Every set of precedents that has been cited shows that under the grant of absolute power given by the Constitution to the Senate of the United States to determine the qualifications of its Members the Senate has done what it pleased, and it has done what it desired to do under the circumstances in each particular case. I do not mean to disregard or belittle the value of a precedent, but a precedent that is wrong should be overturned as soon as possible and a correct precedent should be set up in its place. The truth of the matter is that there is no precedent for this case because, as I said in the beginning of my remarks, at no previous time has the Senate ever had official information of the acts of a man which make him unfit to sit as a Member of this body previous to his coming here. So I say we can not decide this question as a purely constitutional, technical question. The American people are not so much concerned about the technicalities as they are whether this body shall protect its own integrity and shall protect its own standing in the country.

A great deal has been said in the discussion about the rights of the State of Illinois. I respect the rights of the State of Illinois, but I respect also the rights of every other sovereign State, so I can not be forgetful of the rights of 47 other States. The 47 other States have a right to know that the representative of any one State shall have the qualifications which make him fit to sit in this body if he is to sit here at all. I say again that if the State of Illinois can not present a man who has the qualifications which he should have to be a Member of this body, that is the fault of the State of Illinois and not the fault of the Representatives of the other States who are here to represent not merely any one State but to represent the American people as a whole and to legislate in the interests of the American people.

Mr. President, in the early history of the country a man presided over the Senate as Vice President who, whatever may be said of other features of his career, was one of the most brilliant and able characters that ever graced that position. In the closing part of a speech which he made in this Senate on his retirement as presiding officer he used these words, which I want to quote.

> This House is a citadel, a citadel of law, of order, and of liberty. It is here, here in this exalted refuge, here if anywhere, that resistance will be forever made to the silent arts of corruption, and if the Constitution be destined ever to perish by the sacrilegious hand of the usurper, which God avert, its expiring agonies will be witnessed on this floor.

In my judgment, those words of Aaron Burr are as applicable to-day as they were when he uttered them in this Chamber. We have the responsibility in our hands of saying whether by our votes we shall admit a man who admittedly accepted such an enormous contribution from public-service corporations of his State that either he was guilty of bribery in accepting it or he puts himself under obligations which make it impossible for him to legislate in a free and untrammeled manner in this body.

Mr. BAYARD. Mr. President, yesterday the Senator from Connecticut [Mr. BINGHAM] placed in the RECORD a statement of a Senator from Delaware made on January 10, 1862. I was very much interested, first, because he was quoting a Senator from Delaware, and I was the more interested because of the fact that the Senator whom he happened to quote was my grandfather. I want to say in regard to the Senator putting that portion of my grandfather's speech in the RECORD that he—that is, the Senator from Connecticut—would have done himself far more justice and would have done my grandfather far more justice had he put the whole speech in the RECORD.

For the purpose of meting out exact justice as to what my grandfather said in regard to the matter then before the Senate, I desire leave to put in his complete remarks, found on page 265 and the first column of page 266 of the Congressional Globe of January 10, 1862.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From the Congressional Globe of January 10, 1862; pt. 1, 2d sess., 37th Cong.]

SENATOR FROM OREGON

Mr. BAYARD. I move, as a privileged question, to take up the credentials of Mr. Stark, of Oregon, and the accompanying motion.

The motion was agreed to.

The VICE PRESIDENT. The question is on the motion of the Senator from Maine [Mr. Fessenden] to refer the credentials, with the papers presented by him, to the Committee on the Judiciary.

Mr. BAYARD. I shall endeavor, Mr. President, to state as briefly as I possibly can to the Senate my objections to the motion made by the honorable Senator from Maine in its entirety, though a part of it I have not the slightest objection to; and I shall refrain entirely from going into any question connected with the affidavits and the declarations stated in those affidavits to have been made by Mr. Stark, because the subject is more properly under the Constitution to be disposed of in another mode.

On Monday last the honorable Senator from Oregon [Mr. Nesmith] presented the credentials of Mr. Stark as a Senator appointed from that State. The honorable Senator from Maine objected to Mr. Stark being sworn in as a Member of the Senate, and presented certain papers which had been addressed to the Secretary of State, accompanied by affidavits, which he considered imposed a disqualification on Mr. Stark's right to be sworn in, and he moved the reference of the whole subject to the Committee on the Judiciary. My object will be to show that this is not in accordance with the Constitution of the United States, and that Mr. Stark has the right to be sworn in, although it may be perfectly proper—and to that I have not the slightest objection—that the papers which have been presented by the honorable Senator from Maine shall be referred to the Committee on the Judiciary, or to any other committee that the Senate choose to refer them to, for the purpose of investigation and subsequent action by the Senate, if that investigation shall lead to subsequent action.

Now, sir, what is the state of facts? The gentleman's credentials are presented here by a Senator of the United States. According to the Constitution each State—it is the right of the State—is entitled to two Senators, and if it happens that at any time a seat becomes vacant, and a term is broken by the death or resignation of a Member of the body, the executive of the State, in the recess of the legislature, has the right of appointment vested in him. In this case the credentials are presented showing an authority, under the great seal of the State, appointing Mr. Stark a Senator of the United States until the next meeting of the Legislature of Oregon. The authority is unquestioned; no one has objected to it. Next comes the clause of the Constitution which prescribes the qualifications of a Senator, and under that clause no one doubts that authority is given to a majority of this body to decide upon those qualifications. No one doubts that a majority decides on "the returns"—meaning the credentials—and "the qualifications" of the Member. That authority is vested by the Constitution in a majority of either House; and therefore, when an individual applies to be sworn in as a Senator, if objection is made either to the authority to appoint him or to the mode of appointment or to his qualifications, beyond all question it is competent for the Senate, by a majority, judicially to decide that question, and that is what they always do. There may have been erroneous decisions made, but the presumption is that every Senator feels that he is acting judicially in deciding, under the Constitution and on the credentials, whether the party is entitled to a seat.

Among the qualifications prescribed by the Constitution you can find no ground for interposing an objection to a party being sworn in who is properly appointed, no matter how debased his moral character may be, no matter though he lie under the stigma of an indictment and conviction for crime. Your remedy is not by rejecting him, if the proper authority of his State chooses to appoint him, because that power is not vested in the majority of this body; but you are protected, as I will show you by a subsequent clause, from anything of that kind.

The question is left to the appointing power in the State as regards a Senator or Representative, the people or the people's agents in the State, to determine whether or not the individual is fit morally to represent them; and I suppose loyalty comes under the designation of moral character as well as under anything else. Even if there were a conviction for crime, forgery if you please, it would afford no ground, it would give no warrant to the Senate of the United States in rejecting by a majority a person who presented himself as a Senator, legally appointed by the proper authority in his own State. The Constitution prescribed the qualifications, and it has not touched any question of that kind relating to the capacity or the morality of the party. If he was an idiot you could not reject him. If he was a man destitute of all moral character, such that you would feel disgraced by associating with him, you could not by a majority of this body reject him when his State chose to send him here by the properly constituted authority. You have some authority over

the subject to be sure, as I admit; but you are violating the Constitution if, under the power which is given to you to decide by a majority on the returns and qualifications of a Member, you undertake to usurp the power of adding qualifications which the Constitution has not prescribed.

I submit, therefore, that Mr. Stark has a right to be sworn in. I speak now utterly irrespective of any opinion of what these papers may prima facie establish, or what would be the result of an investigation, or whether the facts stated—for they are mere declarations, not acts—would be sufficient for action in another form or not. All that is beside the question. There is no prescription by which you can make so indefinite a term as loyalty a qualification under the Constitution, which you have a right by a majority to decide is a qualification for a Member. I submit that a majority of the Senate have no such authority, that the party is entitled of right to be sworn in as a Member of the Senate, and he is then, as a Member of this body, subject to the action which I shall now indicate. After prescribing in the fifth section of the first article of the Constitution, that each House shall be the judge of the elections, qualifications, and returns of its Members, which, of course, is by a majority, the Constitution, for the further protection of the bodies, provides that "each House may determine the rules of its proceedings, punish its Members for disorderly behavior"—that may be done by a majority—"and with the concurrence of two-thirds, expel a Member." I am perfectly aware that some persons have given to this last clause the construction that you can only expel for disorderly behavior. I think not so. It is very plain to me that that clause is made without any specification whatever of the ground, because it means to leave in the absolute power of two-thirds of the body the right of expulsion for whatever they in justice and in reason suppose to be sufficient ground of expulsion. They may err sometimes; but that is the intention of the clause; it is an absolute power; it prescribes no ground or cause for which expulsion shall take place, for that would be impossible, but it leaves it to rest in the opinion of two-thirds as to whether the Member is fit to be a Member of the body or not. The only restriction is—and the restriction is imposed for that reason—that a two-thirds vote being required, and a majority not being able to do it, the rational presumption is that two-thirds of the body would not be willing, without reason and justice, to expel any Member for an insufficient cause, though they might differ from him in opinion, and might think his action censurable. The power to censure, to punish, exists in the body by a majority. The power to expel is given without restriction as to the cause, but is dependent upon a different vote from the judgment on the qualifications of the Member—a vote of two-thirds, and not a vote of a majority of the body.

For these reasons I submit that, in this case, the proper course is to declare—and I shall move an amendment to that effect—that Mr. Stark is entitled to his seat under his credentials. No objection whatever is made to them. The credentials are strictly in proper form. They come from the unquestioned authority of the State; and there is no ground of qualification which you can decide upon under the Constitution by a majority which would prevent his being sworn in. Has he not then the right? And see to what a contrary doctrine would lead. If the declarations stated in these affidavits be correct, you have the full power to remedy yourselves by depriving the Member of the seat; and that is a power resting in the will of two-thirds, controlled only by reason and justice; but here you are bound by the Constitution; you have no authority to impose additional qualifications to what that Constitution imposes. You have the right of expulsion by a two-thirds vote. If the majority can impose additional qualifications of any kind but what the Constitution prescribes, where will it end? You are not deciding now a precedent only for the day; you are deciding it as to its ulterior effects; and recollect precedents always will be followed. In the fierce and close struggles of party that may at any time take place, just think how many causes there are for which a bare majority of the body might refuse a political opponent the right to come in. When his presence would tie that body, how easy it would be to make some sort of objection—to refer his credentials to a committee, or even to refuse him his seat by a majority—when there was no more dispute than there is here as to the legality of the appointment and the qualifications of the party according to the provisions of the Constitution.

I submit that it would be a very, very dangerous precedent to establish, and that there is no necessity for it, because all the evil which (taking it as presumptive evidence from the affidavits that such things have been said) could arise to the body can be remedied by the vote of two-thirds of the Senate under the power of expulsion, which is a power of will resting in discretion alone, confined by no cause, but restricted only to be used by two-thirds of the body. I do not purpose to enter into the question of what are the declarations complained of. They are only declarations, and are stated in these affidavits. The paper is addressed to the Secretary of State of the United States, not to the Senate. I do not know that it was even intended by the signers to come to the Senate; there is nothing to show that it was intended to come to the Senate. The affidavits were made; they are certainly ex parte; they were all made before a single magistrate; and, of course, in times like these they would necessarily be tinged by the excitement of the hour; and of all human testimony the repetition of casual conversations is least to be relied on, even in the ordinary purposes of life, for the establishing of any evidentiary fact. We all know that from experience.

But what may be the effect of an investigation, and what may be your subsequent action, is a totally different thing. You have the power to expel. You have an ample vote for the purpose. I mean now a vote founded upon strong sympathy so far as that goes; you have the unquestioned power; I think I may say you have a three-fourths vote on the part of those who agree in all respects in this body. You have therefore nothing to fear. Then is it not wiser to adhere to the mandates of the Constitution, and to conduct things according to the Constitution, than to trample upon it for the purpose of excluding a gentleman from his seat, because you may have received an impression against him arising from ex parte affidavits?

Again, the injustice in this case would be more striking, because, as I said, under the appointment Mr. Stark has a right to the seat; the Constitution has given him the right to a seat on this floor. You are depriving him of that right by sending to a committee papers which do not go to the question of qualification within the intent of the Constitution, which is the power under which you are deciding. The appointment itself is a provisional and temporary appointment, and you may keep the matter in committee until the term expires. Certainly, that would be a gross injustice to any man, as well as violation of the Constitution.

In addition let me say that, apart from all this, I think I may declare with absolutely certainty, without reference to the objection I now make, that in all the cases which have hitherto occurred in the Senate of the United States, where an objection has been made to a Senator being sworn in, and it has been sustained until a committee reported, it has been where the question was one of law not requiring an investigation of facts. In every instance that I have been able to find that certainly is the case. Of course, there the report could soon be made; but if you are to take collateral facts as against unquestioned credentials, where no question of law arises for the committee to report upon, and send to the committee to investigate collateral facts before suffering the party to take his seat, I say, independent of whether the question went to qualification or not, or what was the ground of qualification, I have known of no case in which a Senator has been refused his seat in the interim until that decision was made. The distinction, in my mind, is very fair and very obvious.

As I stated the other day when objection was made to Mr. Lanman being sworn, the case was one in which the executive of the State undertook to make an appointment to a full term, not in the place of a Member who had died leaving a broken term but to a full term, commencing on the 4th of March. There was no doubt of the facts of the case, and the sole question was whether such an appointment was within the power of the executive during the recess of the legislature. The Senate decided that it was not and Mr. Lanman was not sworn in. I also mentioned another case, one of the earliest to be found in your annals, of a Senator in my own State, where the question was also purely a question of law. The facts were all unquestioned, admitted facts which the Senate would judicially notice. The Senator applied under a regular appointment from the governor, but the fact existed that the legislature, after the vacancy in the term occurred, met and adjourned without filling it, and then the governor undertook to appoint. The Senate held that the party was not entitled to his seat by law. There was no dispute as to the facts. But go over all the cases and, apart from the other objection I make on the ground of the Constitution, no solitary instance can be found where a seat has been refused to a Senator pending an investigation into collateral, outside facts, as to whether that seat ought to be retained on not, which depended upon proof. Under these circumstances it would make the case still harder if Mr. Stark's application were refused.

I submit the question to the Senate without taking up any more time, because if the statement of this proposition is not sufficient to convince them of the view I take of the Constitution, I know, of course, that it would be hopeless to carry the argument further. To me it is as clear as the sun at noonday that it is trampling on the Constitution to deny to a party, coming with credentials unobjected to from an authority having the undoubted right to appoint, the right to be sworn in, and to attempt to impose a qualification upon him not required by the Constitution, and to undertake, under the power given to you to decide on the qualification of your own Members, by a majority to prevent his taking his seat, when it is not a question of qualification but is a question of expulsion, which power resides in two-thirds of the body, for any cause that within their sense of justice and right they deem sufficient for the purpose of expulsion.

I move, therefore, to amend the motion of the honorable Senator from Maine by declaring that Mr. Stark, of Oregon, be sworn in and

that the papers presented by the honorable Senator from Maine be referred to the Committee on the Judiciary for inquiry into the facts, and with authority to make such report as they deem proper in the premises.

Mr. BAYARD. Mr. President, I will say to the Senator from Connecticut that the facts of that case are wholly and hopelessly different from the facts in the case now before the Senate. In brief, in that case in 1862 the protests or affidavits against the seating of Senator Stark, I think it was, came about in this way: The affidavits were filed, if you please, with the Secretary of State of the United States, and not with the Senate, and were afterwards sent down here; so, at best, they were irregularly filed. They charged certain things, they were in the form of ex parte affidavits. On that ground my grandfather took the position that it was not proper for this body to look into those affidavits until and after the gentleman in question had taken the oath; that the matter should then be referred to a committee and a report submitted, and thereafter this body had full authority, under its constitutional powers, to make whatever disposition of the subject it chose.

Let me call the attention of the Senator from Connecticut to one other point, which I think is most important. In the course of the argument appearing in that address, my grandfather passed on to the power of the Senate in regard to expulsion, and laid down the doctrine—and my friend from Connecticut utterly failed to put it into the RECORD—that in the event that the Senate makes an investigation of the qualifications of any Member of this body who has received the oath it can by two-thirds vote, for any reason in its opinion which will justify such action, no matter what that may be, good, bad, or indifferent, expel such Member.

The case now before us is totally different. Here we have a case where the Senate, through its own agency, has had presented to it, before the appearance of Colonel SMITH, certain facts which it has ascertained by its own efforts. Those facts include the sworn testimony of Mr. SMITH; those facts disclose further that Mr. SMITH had every opportunity offered him, had he so desired, to put in the record any other or further facts in regard to the matter if he cared so to do. I submit that in the case of Senator Stark in 1862 as compared with the case of Senator designate Mr. SMITH in 1927 there is not the slightest similarity in fact or in principle. Therefore, it appears to me that the quotation which my good friend from Connecticut has made from the speech delivered in 1862, made by the then Senator from Delaware, while interesting, is not in point; because if the Senator will take, as I have stated, the latter part of that speech, he will find the doctrine of the unquestioned power of the Senate to act in regard to the expulsion of a Member when and after it has found out certain matters in regard to that man's character or record, or whatever it may be; in other words, the doctrine was maintained of the power of the Senate to act when in possession of the knowledge. Here is a case now before us—the Smith case, the instant case—where the full knowledge is before the Senate, where Mr. SMITH has been given every opportunity to expand or extend or to amend or to alter his case, and here it comes before us.

Mr. BINGHAM. Mr. President, will the Senator from Delaware permit me to reply at that point?

Mr. BAYARD. I yield to the Senator.

Mr. BINGHAM. I had at first intended to put in the RECORD the entire speech of the then Senator from Delaware, and I had had it copied for that purpose, but, on giving it study, I agreed with the position now taken by the Senator from Delaware that the two cases were not sufficiently comparable to make the entire speech apply. Therefore, in order not to put into my speech material which was not apropos to this question—although I am very glad that the Senator from Delaware is going to have the entire speech printed in the RECORD—I desired merely to call attention to the Senator's grandfather's views in regard to the right of the Senate to add to the qualifications of a Senator under the Constitution, and whether or not it had any right to keep a man from taking the oath because he was an idiot or because he was guilty of moral turpitude; and so I extracted from the speech merely that part which seemed to me appropriate. However, I am very glad that the Senator from Delaware has asked that the whole speech be printed in the RECORD, because I agree entirely with the remainder of the speech as it applied to the case which was then before the Senate.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Delaware permit me to ask the Senator from Connecticut a question?

Mr. BINGHAM. But the remarks from which I quoted this morning seemed to me not to apply directly to one case any more than to the other case, but laid down the doctrine of State rights, which I hoped the Senator from Delaware would agree with, as his grandfather had laid down that doctrine.

Mr. BAYARD. Under the condition of facts then before the Senate.

Mr. ROBINSON of Arkansas. Mr. President, let me ask the Senator from Connecticut a question.

Mr. BAYARD. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator from Connecticut [Mr. BINGHAM] repeatedly during his remarks has referred to the grandfather of the present Senator from Delaware [Mr. BAYARD]. I wonder if the Senator from Connecticut means to imply that the Senator from Delaware inherits his views from his very eminent ancestor. I wonder why the Senator from Connecticut takes occasion to emphasize the fact that the authority which he quotes is the grandfather of the present Senator from Delaware.

Mr. BINGHAM. I do not think the Senator from Arkansas was in the Chamber at the time the Senator from Delaware called attention to the fact that these remarks were quoted from his grandfather. It was the Senator from Delaware who brought that matter into the discussion and not the Senator from Connecticut.

Mr. ROBINSON of Arkansas. I have heard the Senator from Connecticut, from the beginning, constantly referring to the fact that the grandfather of the present Senator from Delaware expressed certain views, and I just wondered whether he thought the present Senator from Delaware should inherit his opinions from his eminent ancestor.

Mr. BINGHAM. Oh, no, Mr. President.

Mr. BAYARD. I will say to the Senator from Arkansas that that might have been so, because the Senator from Connecticut went so far with the excerpt as to put in the RECORD at the head of it a short biography of my grandfather.

Mr. BINGHAM. No, Mr. President; my object in quoting the remarks of Senator Bayard in 1862 was merely to call the attention of my Democratic friends to the fact that their party is taking a very different position in regard to the rights of the States at the present time from that which it took then, as expressed through such a distinguished orator as the Senator from Delaware of that period.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator from Connecticut if the Republicans in this body are not taking here a position quite antagonistic to that of their ancestors?

Mr. BINGHAM. It is true, Mr. President, that the party which claims to inherit the doctrine of State rights is now giving it up, and has conspicuously given it up in the past few years with regard to centralization and federalization, and that the party which in former times did not hold so closely to the doctrine of State rights has learned by experience the importance of State rights and the importance of maintaining local self-government; and I am proud to say, Mr. President, that I belong to a party to-day which maintains the faith of the fathers, which the Democratic Party has given up. [Laughter.]

Mr. WALSH of Montana. That is, aside from the question that I addressed the Senator. Let us take the State of Connecticut, for instance. Did not the Representatives from the State of Connecticut, in all the so-called loyalty cases, take a position directly antagonistic to that now assumed by the Senator from Connecticut?

Mr. BINGHAM. Under the influence of war times and war animosity, that is quite true.

Mr. WALSH of Montana. Did they not take the same position in the Brigham Roberts case, which was 30 years after the war?

Mr. BINGHAM. With regard to what my friends in the other House may have done at that time I am not concerned, but I am deeply concerned with what the Senate does at the present time in giving up State rights; and I may say—and I think without danger of contradiction—that the State of Connecticut has always been one of the States of the Union most concerned in maintaining such rights.

Mr. CARAWAY. Yes; I recall that the Hartford Convention met in Connnecticut.

Mr. BINGHAM. Connecticut has adopted a more consistent attitude in opposition to amendments to the Constitution than has any other State, with the possible exception of Rhode Island.

Mr. WALSH of Montana. I simply desired to call attention to the fact that the Senator from Connecticut gratuitously advises the public and the Members of this body that Senators upon this side are now assuming an attitude with respect to the constitutional question involved antagonistic to that assumed by the Senators upon this side in the year 1862. I

now inquire of the Senator whether the Representatives from the State of Connecticut in 1900, in the Brigham Roberts case, did not take an attitude different from that now assumed by the Senator from Connecticut upon the constitutional question involved.

Mr. BAYARD. Mr. President, I rose for the purpose of putting in the RECORD the entire speech to which reference has been made, and to show to the Senator from Connecticut and to the other Members of this body, that if a careful reading is made of the whole speech delivered by the Senator from Delaware in 1862 it will necessarily develop a doctrine which to my way of thinking is against the argument of the Senator from Connecticut, because, as I said a moment ago, the well-sustained and sound argument in that instance supports the power of this body to expel for any reason when it has the facts before it. So, in the present case before us, with the facts which have been brought before us by our own agency and were here ahead of Mr. SMITH, I maintain that the doctrine set up by my grandfather in the latter part of his speech which my good friend from Connecticut wholly failed to put in the RECORD, negatives the stand which the Senator is now taking and does not justify him in quoting my grandfather as an authority to sustain his point, although he quoted only a small part of his speech.

Mr. NEELY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from West Virginia?

Mr. BAYARD. I am through; I yield the floor.

Mr. NEELY. Mr. President, before the colloquy between the Senator from Connecticut and the Senator from Delaware grows cold, permit me to observe that the former had to go back more than 60 years to find an instance of Democratic inconsistency of action in a case similar to that now before the Senate. In my opinion, the Senator has gone back far enough to deserve the criticism indicated in the following brief story:

A man sat at a hotel table for the first time in his life. A waiter presented him a bill of fare and said, "Will you have ox-tail soup?" The guest replied, "No; that's going back entirely too far for soup."

[Laughter.]

The Senator from Connecticut will find it necessary to go back only to December, 1925, to find a case in which he and many other Republican Senators acted in a manner glaringly inconsistent with the position they are taking in relation to the question upon which we are about to vote.

Only a little more than a year ago one of the Republican leaders in the Senate sent a notice to a North Dakota judge, before Senator NYE had presented his credentials and before anyone here knew what they contained, to the effect that Mr. NYE would be deprived of his seat in this body.

Some of the majority apparently desired not only permanently to shut the door of the Senate in Mr. NYE's face but also to deprive him of the right to have his case investigated.

But now these same Senators insist that Mr. SMITH should be permitted to take the oath of office and enter upon the discharge of his senatorial duties before any investigation of the validity of his appointment has been made. And this change of attitude on the other side of the aisle is manifested in spite of the fact that there is now a report on the desk of every Member of the Senate, made by a committee of the ablest Members of this body, which clearly indicates that Mr. SMITH has, by his own conduct, rendered himself ineligible to occupy a seat in this Chamber.

In the circumstances, let us hope that we shall not stultify ourselves by making it easier for Mr. SMITH, who is charged with having recently been the beneficiary of unspeakable political corruption, to enter the Senate than we made it for the thoroughly qualified Mr. NYE to enter upon the discharge of his duties.

Mr. CAMERON. Mr. President, as a layman I should like to make a few remarks on the matter now pending before the Senate.

In this matter the pending question is one of procedure. It is more a question of right or wrong as a matter of common sense than a question of constitutional law too intricate for a layman to understand.

A sovereign State of the Union is entitled at all times to be represented in the legislative councils of the Federal Government. No one will question that proposition. That being so, its duly accredited representative presents his credentials from his State, all in proper form, and asks to be seated as the Senator from that State.

No one questions but that if he is seated, and the oath of office administered, the Senate still has the undoubted right to adjudge any question as to his qualifications that is within its power to determine, and, if the applicant be found disqualified, to declare the office vacant. Then the State, if it desires the continuous representation to which it is entitled, may instantly name a successor. There is no denial to the State of its right to representation.

The dignity of the Senate demands that if any Senator designate is charged with any disqualifying conditions, he shall have his day in court. A hearing, to which he is beyond question entitled, will take time. Unless he is permitted to act for his State pending that investigation and decision, then to that extent and for that period of time the State is denied its right of representation.

The commonest criminal is presumed innocent until he has been proved guilty. It would be a travesty on justice to apply any other rule to a Senator designate charged with disqualifying facts. Any investigation conducted with due dignity and decency, as would become such a representative body as the Senate of the United States, must require a reasonable time for the acquisition of the facts and a determination thereon; and the State is entitled as a matter of constitutional right to be represented in the deliberations and debates and at every vote taken in the Senate while this investigation as to the qualifications of its duly accredited Senator designate is proceeding.

That being so—and how can it be questioned?—the only procedure that can preserve the right of the State and at the same time preserve the right of the Senate to pass upon the qualifications of its Members is to seat the Senator designate on his credentials when they are on their face in all respects in due form and permit him to act until such time as the Senate, within such period as its rules and procedure require, shall have passed upon the question of qualifications.

The right of a sovereign State to its representation in the United States Senate is a right that can not be set aside, even for a limited time, without a violation of the fundamental principles upon which the Federal Government is founded.

The Federal Government exists because certain powers have been delegated to it by the sovereign States of the Union. Those delegated powers are to be exercised through the Senate and the House of Representatives. The delegation of power by the States goes hand in hand with the right to representation in the legislative councils of the Federal Government. The first constitutional duty of the Senate of the United States at all times is to protect and uphold that sacred, sovereign right of every State of the Union. Any other procedure would lead to the grossest abuses.

The question of qualifications of Members is a secondary question. The denial of its right to representation as a State is a far more serious question than that a Member duly chosen by the State, and coming with credentials in all respects in due form but charged with some disqualifying conditions or facts, should temporarily represent the State pending the determination of the subordinate question of his qualifications.

There is no way to insure the State its basic right of representation at all times except to seat a Senator designate on the presentation of proper credentials from his State, leaving all questions as to his qualifications to be thereafter determined by the Senate.

If the Senate, for good and sufficient reasons, decides that he does not possess the requisite qualifications, it may unseat him; and upon that action the right of the State to fill the vacancy arises instantly. There need be no hiatus or period of nonrepresentation, because, the Senate having created the vacancy, the State has the immediate right to fill it if it so desires.

The right of the State to representation is a continuous right, covering every moment of time during which the body to which it has delegated powers is in existence as a law-making body.

It must be assumed, as to every question arising for its action or determination by the Senate, that the State has an interest in being represented on the floor of the Senate by its representative, with all right of debate and vote. The right of the State can not be denied to it or taken from it for any period of time, however short, without jeopardizing its interests, and denying to the State its basic constitutional right of representation.

It was taxation without representation that brought on the War of the Revolution. We are now asked to brush aside the principle for which our forefathers fought in that war.

In this country to-day, most unfortunately, there is a growing tendency to override the sovereign rights of the States and subordinate those rights to Federal power in a way that never was contemplated by the Constitution. I appeal to my confrères on the Democratic side not to lend the weight of their influence and votes to strengthen that tendency.

In my State of Arizona we are now facing a most ruthless attempt to ride roughshod over the most sacred rights of that

State—rights that are indispensably necessary to its future existence and prosperity.

Agriculture is the basic resource upon which our civilization depends. Without agriculture, Arizona can not avoid ultimate ruin. Mines, in the very nature of things, are bound to be worked out and leave nothing to tax as a basis for State support.

There is now pending in the Senate a measure known as the Boulder Canyon or Swing-Johnson bill, which deliberately proposes to take from Arizona the waters that will irrigate 3,000,000 acres of desert land in that State and dedicate those waters forever to the reclamation, irrigation, and colonization of a vast area in Mexico that will be cultivated with cheap peon or coolie labor in competition with our American farmers.

Arizona stands at bay, bitterly protesting against this most appalling ruin of her future; but the proponents of that measure are bringing to bear every influence that can be set in motion to strike down these precious rights of Arizona as a State, and ruthlessly ride over them in a car of Juggernaut propelled by the power of the Federal Government exerted without a shadow of constitutional authority or right.

That bill proposes to take the water power of Arizona and give it to Los Angeles; it proposes to take the life-giving waters of Arizona and donate them to Mexico; it proposes to crucify a sovereign State of this Union and let her bleed to death as a victim of a wrongful exercise of Federal power for the benefit of the land speculators in a foreign country and to satisfy the shortsighted selfishness of a municipality in another State, dominated by a junta of those selfsame land speculators. They are using Los Angeles as a cat's-paw to pull their Mexican chestnuts out of the fire.

Arizona, with her back to the wall of her rights as a sovereign State, is fighting for her life with the same desperate determination with which the French fought at Verdun; and Arizona's watchword is, "They shall not pass." While her safety from ruin depends on the recognition of her sacred rights as a sovereign State of this Union, Arizona can not stand by and see any further encroachment upon the rights of the States as against the growing colossal power of the Federal Government without joining her protest against any violation of any right of any State.

We shall not blow hot and cold. We shall be consistent at all times and under all circumstances in demanding that the rights of the States be upheld against all insidious encroachments of Federal power.

Mr. HARRISON obtained the floor.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. WALSH of Montana. In view of the eulogium we heard on the heroic virtues of the people of the State of Connecticut, I will answer the question addressed by me to the Senator from Connecticut [Mr. BINGHAM] a little while ago, to which he made no response.

I find that in 1862, when this question was before the Senate on the resolution to permit the oath to be taken by Benjamin F. Stark, of the State of Oregon, the motion was made that he be not permitted to take the oath, and a motion was made to amend by striking out the word "not." On that question the two Senators from Connecticut voted "no"—Messrs. Dixon and Foster. That, of course, was in the heat of the Civil War, when passions were aroused; but in 1900, when the Brigham Roberts case was before the House, and only political passions were aroused, if any, I find that every Member from the State of Connecticut voted to refuse to permit Brigham Roberts to take the oath—Henry, of Connecticut; Hill, of Connecticut; Russell, of Connecticut; and Sperry, of Connecticut.

Mr. BINGHAM. Mr. President, if I may be permitted just to express an opinion, it has never occurred to me, in looking into that particular case—although I have not gone into it as deeply as the Senator from Montana—that the question which was considered there was similar to the question considered here.

Mr. WALSH of Montana. Why, it is identical. The charge against Roberts was of some impropriety in his conduct prior to the time that he was elected to the House.

Mr. BINGHAM. Oh, no; not only prior, but then occurring.

Mr. WALSH of Montana. But the same questions are involved, and the same argument was made by Mr. Littlefield of Maine. One of the ablest debates occurred over this matter that has ever been heard in the House of Representatives. Mr. Littlefield made exactly the same argument that the Senator from Connecticut has made, and it did not impress a single Member from the State of Connecticut.

Mr. BINGHAM. Mr. President, I am not responsible for the way in which Representatives of the State of Connecticut in 1900 voted in the House.

Mr. WALSH of Montana. Of course not.

Mr. BINGHAM. I do know, however, that at present in the State of Connecticut, and ever since I have been living there, for the past 17 years, the people of Connecticut have felt that the only way in which this Government could be preserved safely in the future was by maintaining the principles which Thomas Jefferson originally laid down of the rights of the several States and the importance of local self-government; and while the State of Connecticut formerly was a State which used to go Democratic, it is true that many of our leaders to-day who are now Republicans formerly voted for the Democratic Party while it maintained those principles which are dear to them, but which to-day the Democratic Party has abandoned.

Mr. ROBINSON of Arkansas. All of which indicates that the State of Connecticut is going wrong.

Mr. WALSH of Montana. I would not have adverted to the subject at all were it not for the fact that the Senator from Connecticut thought it appropriate and pertinent to this discussion to advise the Senate that the Democrats have changed their position about this constitutional question.

Mr. BINGHAM. Does the Senator deny that they have changed it?

Mr. WALSH of Montana. Certainly not; and does the Senator from Connecticut deny that the Republicans have changed their attitude?

Mr. BINGHAM. I do not deny it.

Mr. WALSH of Montana. No; neither do I. That is all.

Mr. BINGHAM. The Senator, then, as I understand, does not deny that the Democrats have changed their position.

Mr. WALSH of Montana. I do not deny that the Democrats generally took the other view at that time, and I do not conceive that it is at all pertinent, but the Senator from Connecticut thought it was; and I am calling attention to the fact that the Republicans, and particularly the Republicans from the State of Connecticut, have changed their attitude.

Mr. BINGHAM. The Senator is quite at liberty to draw that conclusion; but I also desire to call his attention to the fact that it is generally admitted in the public press that the Democrats of the Senate, in conference assembled, voted to bind their Members in this case against granting the State of Illinois the right to be represented here without hearing.

Mr. ROBINSON of Arkansas. Mr. President, the Senator has just made a statement that is without the slightest foundation of fact. Nothing of the character that he has stated has occurred. No effort has been made to bind any Senator as to his vote on any phase of this matter by any form of the organization of the minority, and the statement is literally without foundation in fact. There is not even sufficient foundation for it to justify the imagination of the Senator from Connecticut in making the wholly unfounded statement that has just escaped him.

Mr. HARRISON. Mr. President, the Senator from Connecticut is just as wrong in that proposition as he is inaccurate in his interpretation of the Constitution. I congratulate him, however, in believing in the principles of Thomas Jefferson, and only regret that he does not vote his convictions.

Mr. President, no question has occupied the public mind during the last year to such an extent as has the question of corruption in Illinois and Pennsylvania politics. It has been carried upon the front pages of the press, it has been talked in every conversation around the hearthstone and business houses of this country. The American people have formed their opinions as to the merits of the controversy. They know what it is all about, and Senators here may kid themselves and fool themselves in wrangling over delicate differences in their interpretation of the Constitution, but they can not fool the American people.

The people are practical in these matters. They know what is before the Senate. They know that when sharp-tongued and bright lawyers discuss legal questions they can always weave fine-spun arguments and defend their position to their own edification. This debate has been along that line, and, as any reasonable man here knows, precedents can be furnished to support either argument.

Case after case has been cited to show that from 1794, just a little while following the adoption of the Federal Constitution, men were held up in this Chamber, and there was a refusal to administer the oaths to them, and their cases were referred to committees for investigation. Save only the distinguished senior Senator from Utah [Mr. SMOOT], who was

at one time "fringed" a little bit in one of these controversies, every other Senator on the other side who has served in the House or the Senate for any length of time shows by his opposition here to-day an inconsistent position.

Indeed, the junior Senator from Pennsylvania [Mr. REED] has already admitted that he was wrong when he voted in the Nye case. My pleasing and affable and eloquent friend from Indiana [Mr. WATSON], who kept the telephone wires so hot, and who was jumping around here for a while like a four-legged canine with some kind of hot ointment on him, trying to persuade Mr. SMITH from coming to Washington to take the oath, has, too, admitted his inconsistency not only in the Roberts case, but in the Nye case as well.

My friend, the leader of the Republicans in this body, the senior Senator from Kansas [Mr. CURTIS], would have admitted his inconsistency if he had read the RECORD and had recalled the case of John Walter Smith, who came to the Senate in 1907—I believe that was the year—when some opposition was advanced and the oath was not administered; his case was referred to a committee, and I read in the list that the Senator from Kansas [Mr. CURTIS] voted against his taking the oath. So this is a peculiar situation.

The Senator from Illinois [Mr. DENEEN], the only Senator at this time from Illinois, has done a very unprecedented thing in the resolution he has offered here. As I read the congressional records from 1794 down, in all these cases I find no other case where the colleague of a Senator designate has suggested the fact that charges against him should be investigated. That is what the Senator from Illinois has done in this case. He not only asks that the oath be administered to the Senator designate, but states that there are charges against him and that they should be investigated.

The Senator from Illinois knows that Illinois is aroused, as is the country, and that it is interested in this controversy, and that there are facts interwoven in it which should be investigated. So the colleague of the Senator designate from Illinois asks for the investigation himself.

What are we doing that it should be said of us that we are doing an unprecedented thing? Could any procedure be fairer, could any be based upon a more just foundation than that suggested by the Senator from Missouri [Mr. REED]? He asks the same thing the Senator from Illinois requests, namely, an investigation into all the charges that have been hurled from one end of the country to the other and printed throughout in the public press. The only difference is that the Senator from Illinois would have the oath now administered so that the Senator designate from Illinois may vote here until the end of his term, March 4, upon the manifold questions that arise here. The Reed resolution prevents that.

It does seem to me, Mr. President, that it is fair and right and just to the American people, and at the same time fair to Mr. SMITH, that he should not have the oath administered to him, that the case should go to the committee, that full investigation should be made of it, and that they should report back as promptly as possible. He should not want to vote upon these many questions, close as they are, presented to this body, with these charges hanging over him.

Can it be said that we deny to a State its rights? It comes with poor grace, indeed, from some on the other side to raise that question. As suggested by the Senator from North Dakota [Mr. FRAZIER], the Senator elect from Illinois, Mr. SMITH, has denied his own State the right of representation in this body. The Governor of Illinois denied his State representation in this body. My friend the Senator from Indiana [Mr. WATSON] and the Senator from Kansas [Mr. CURTIS], and other leaders on the other side, denied Illinois representation in this body, because after the untimely death of our late and lamented friend, Mr. McKinley, word was immediately dispatched to the Governor of Illinois not to appoint Mr. SMITH to the Senate. That evidently made an impression upon the Governor of Illinois. He considered it. He deferred action. He waited for days. He called in men for conference. He consulted with Mr. SMITH himself, and during that time he knew what the sentiment in America was respecting the corruption in the Illinois election.

Then it was that the leader of the Republicans in this body, and my friend, the Senator from Indiana [Mr. WATSON], and I know not how many others—but let me read from the Washington Post the flaming headline on December 16, "Republicans join fight to bar SMITH in present session." "WATSON makes plea, warning candidate."

He was not acting alone. He was acting after full conference with his party colleagues in this Chamber. He was transmitting the message which had been whispered in his ear by the adroit leader of the majority party in this body.

Mr. CURTIS. Mr. President——

Mr. HARRISON. I yield.

Mr. CURTIS. That statement is not so.

Mr. HARRISON. I just cite what the paper says. Of course, these papers just get these things——

Mr. CURTIS. I do not care what the paper says; the statement is not so.

Mr. HARRISON. It is not so, then. Of course, everyone knows, Republicans and Democrats here, that our good friend from Kansas, whom I love as a brother, but who gets a little angry every time I say he is adroit—I am going to quit using that word some of these days——

Mr. CURTIS. I wish the Senator would.

Mr. HARRISON. He wishes I would. [Laughter.] Everyone knows that our friend, the genial Senator from Kansas, wanted Mr. SMITH to come here, that he was just anxious for him to come here, that he did not sleep at night because SMITH did not come here and take the oath of office. If there is any Senator in this body who believes that, or the Senator himself believes it, I would like to have him rise now and interrupt me. There was not a Senator on the other side of the aisle but who hoped that Governor Small would not appoint SMITH to fill out the unexpired term.

Of course, it would be conjecture, but I surmise that even the oracle of the White House did not want the governor to appoint him. Certainly he did nothing in the campaign to promote his candidacy. I do not know what the views of my friend who presides over this body were, and I am not going to suppose a case like that, but I have not heard of a Republican in this country who wanted SMITH appointed by Small, and, after he was appointed, wanted SMITH to come here to take the oath during this session of Congress. They were afraid it would precipitate debate, that it would clog the wheels of the machinery that grinds out legislation in this body.

Mr. SMITH knew what the attitude of the country was. He knew and Governor Small knew what the attitude of the Republican leaders in this body was. They received the word in that private way that my good friend from Indiana would not elaborate on to-day. He admitted he did take it up with Mr. SMITH, but he said:

> That is a private matter, and I do not want to discuss it.

Of course, the Senator from Kansas has disavowed any knowledge about this matter. I never knew that they were doing things over there to carry out party policies that he did not know about.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CURTIS. The Senator from Kansas has not denied any knowledge about the matter. The Senator from Kansas has denied that he asked the Senator from Indiana to have any communication about this subject.

Mr. HARRISON. The Senator did not talk to the Senator from Indiana, then. Somebody else whispered into the ear of the Senator from Indiana, because the Senator does not go off "half cocked." He generally wants to know that his party is behind him in a move that he makes. He is about as smart and adroit a politician as is the Senator from Kansas.

Mr. ROBINSON of Arkansas. Do not say "adroit."

Mr. HARRISON. So this paper, the Washington Post, after the headline "Republicans join fight to bar SMITH in present session," goes further.

This is an Associated Press dispatch. I have not the Chicago Tribune. The Lord knows what they did say about the proposition. [Laughter.] The Post said:

> Earnest efforts were put forward yesterday by Republican leaders to prevent the appointment of Senator-elect FRANK L. SMITH (Republican), Illinois, to fill the unexpired term of the late Senator McKinley. * * *
>
> Failing to commit Governor Small, of Illinois, against appointing SMITH, they centered their efforts toward attempting to persuade the latter not to accept the appointment if it were offered.

The leaders were doing that, but the Senator from Kansas had nothing to do with it. Other leaders in this body were doing it. The Senator from Indiana [Mr. WATSON], who has just come into the Chamber [laughter], did confer with the Senator from Kansas [Mr. CURTIS]. He conferred, perhaps, with other Senators with reference to the matter. May I say to the Senator from Indiana that I was just reading something with reference to that which he would not take us into his confidence about when he was making his masterly speech to-day. [Laughter.]

[Mr. CURTIS advanced to Mr. WATSON'S seat and they engaged in a whispered conversation.]

Mr. CARAWAY. Mr. President, I hope the Senator from Mississippi will wait until the Senators have conferred on just what was done. [Laughter.]

Mr. WATSON. We have it all fixed up now. [Laughter.]

Mr. HARRISON. After the Senator has had his conference I will yield for an interruption. The Senator was not in the Chamber when I began my remarks. I will read to him again:

Republicans join fight to bar SMITH in present session.

This was in the Washington Post of December 16, 1926. Then further down it says:

Senator WATSON (Republican), Indiana, called Mr. SMITH over the long-distance telephone and pleaded with him not to come to Washington as Mr. McKinley's successor and warned him that if he did, he probably would be unseated.

That is an Associated Press dispatch.

Mr. WATSON. That is all true. Does the Senator take exception to my conduct?

Mr. HARRISON. Oh, no. I think Mr. SMITH should have accepted that advice. He would have been in a better fix now, and the Senator from Indiana, after that speech, would have been in a better fix six years from now when he comes up again for reelection.

Mr. WATSON. I remember very well, if my friend will yield, that he read the list of those who voted in the Newberry case. I remember that he pointed over to me and said, "My friend from Indiana."

Mr. HARRISON. The Senator from Indiana is the only one who squeezed through. [Laughter.]

Mr. WATSON. I squeezed through all right.

Mr. HARRISON. But by a small majority.

Mr. WATSON. The Senator from Utah [Mr. SMOOT] voted for Newberry and he had a big majority.

Mr. PHIPPS. And the Senator from Nevada [Mr. ODDIE].

Mr. HARRISON. The Senator from Utah is beyond redemption.

Mr. SMOOT. I hope not.

Mr. HARRISON. Does the Senator from Indiana desire to say something else?

Mr. WATSON. Does the Senator from Mississippi want me to say anything else?

Mr. HARRISON. If the Senator wants to do so. I fear, though, he has already said too much.

Mr. WATSON. I just want to repeat what I said before, that my vote in the Newberry case did not lose me a vote in Indiana at any time, for either nomination or election. So far as I know, the matter was never referred to in my case. I stated publicly time and again in Indiana that if I were called on to vote in the Newberry case again I would vote precisely as I did before, because I thought my conduct was backed up by good constitutional reasons and by the facts of the case. I have no apology to make for that vote.

Mr. HARRISON. Why did the Senator tell Mr. SMITH he believed if he came here he would be unseated?

Mr. WATSON. That goes into that private conversation which my friend from Arkansas [Mr. ROBINSON] was seeking to learn about a while ago, and which I declined to disclose because it can throw no light on the subject. It was purely a personal conversation between us, in which I expressed my belief that he ought not to come here at this particular time and clutter up the program of the Senate and perhaps might force an extra session of Congress by prolonging the debate, and to me an extra session of Congress, above all other things, is unthinkable.

Mr. HARRISON. Of course, the Senator did not tell him that after a conference with his party colleagues.

Mr. WATSON. I did not confer with the Senator from Kansas [Mr. CURTIS] about it. I spoke on my own initiative and on my own authority.

Mr. HARRISON. The Senator from Indiana understood that the Senator from Kansas wanted Mr. SMITH to come down here, did he not?

Mr. WATSON. I did not understand anything about it. The Senator from Kansas and I usually agree.

Mr. HARRISON. Yes; and when you do agree you are generally wrong. [Laughter.]

Mr. WATSON. We are so nearly in accord that I do not need to see the Senator from Kansas, as a rule, to know what his views are. He is the same way with me about many matters.

Mr. HARRISON. When we had hurled at us the suggestion that it is preventing a State from having representation we needed only to cite the facts, as evidenced by what the Senator from Indiana has just said, that he and others influenced Mr. SMITH to stay in Illinois and not to come here until this day. The death of Mr. McKinley took place, I think, about the 7th of December last. Here we are in the latter part of January. During all that time, through the efforts of distinguished leaders here who now prate upon State rights, they kept Mr. SMITH from coming here.

When we look at the record of other contested-election cases in this body we find the remarkable fact that it has taken from two to three or four years to settle the controversy. The Lorimer case stayed before this body for over three years. During all that time he was permitted to vote and did vote upon all questions. The Stephenson case stayed before the Senate for more than two years, and during all that time he was voting upon the manifold questions before the Senate.

Newberry! That does not sound very good to many on the other side of the Chamber, but Newberry had his case before the Senate for nearly four years, as I recall, before final action was taken, and during all that time he was voting upon the many questions here, sometimes deciding them by his own vote.

What would happen in the Smith case? Through a technicality which is not founded upon precedent, if we let him be sworn in he would be voting here for many months and perhaps years. Yes; the shadow of Insull would be within our walls. Corruption would touch the portals of this Chamber. Why should we be surprised that confidence in this body be destroyed?

Mr. WATSON. Mr. President——

Mr. HARRISON. They would see the stream polluted by the corruption which has been revealed in the State of Illinois, but what matters it? Republican Senators shield themselves behind a technicality which is not founded upon precedent.

I yield now to the Senator from Indiana.

Mr. WATSON. Of course, the Senator well knows that the present commission expires on March 4 next.

Mr. HARRISON. Yes; I know he goes out on the 4th of March.

Mr. WATSON. Yes. The question must be settled by that time, and the other question has no reference to this question.

Mr. HARRISON. Yes; and I know, too, if we should meet in extra session on the 5th day of March, after the Senator had voted here to give SMITH his oath at this time, SMITH would be knocking again at the door on the 5th of March to take his oath again.

Mr. WATSON. Why, certainly.

Mr. HARRISON. The same proposition would be here again.

Mr. WATSON. What else could the Senator expect him to do?

Mr. HARRISON. I know what the Senator would do.

Mr. WATSON. He is here with his commission from the people of Illinois.

Mr. HARRISON. And it might take months and years to settle that controversy, during all of which time he would be voting upon propositions before the Senate. We are asking no unprecedented thing. It is fair and just to the people of Illinois and of the country, and to this body that he step aside temporarily, have the investigation by the Committee on Privileges and Elections, and during that time he should not vote in this body.

I mentioned the name of Newberry. I mention it because it carries with it significance. Republican Senators did not believe that it meant much when it was before this body. They passed it by at that time lightly. They thought the people of the country would forget all about it; that time would cure the feeling and that they would be exonerated at the polls.

But that did not come true. Over on the other side of the aisle are the faces of a few Senators who voted for Newberry. A few will be there—yes, the Senator from California [Mr. SHORTRIDGE] is there. I notice that everyone who squeezed through in the late November election who voted for Newberry is now prating about it, bragging over it, and going to vote now for SMITH.

Mr. SHORTRIDGE. Mr. President——

Mr. HARRISON. That is the trouble. When a man gets started wrong in voting, he will keep it up, and that is what Senators are doing in this case. I yield now to the Senator from California.

Mr. SHORTRIDGE. I am not boasting nor exalting myself, but I did not squeeze through. I was elected by a majority of 278,529.

Mr. HARRISON. That is not complimentary to the people of California. [Laughter.]

Mr. SHORTRIDGE. I think it is highly complimentary to their intelligence and to their patriotism.

Mr. HARRISON. I have no doubt the Senator feels that way. I said there would be here after the 4th of March next fewer Senators who voted for Newberry a few years ago than there are now. What does that mean? It means that Members of this body who took the side of corruption in politics have been repudiated by their people. They know what Republican Senators are doing. Republican Senators can not befuddle the issue. They can not muddy the waters. They can not confuse the people's judgment. The people know what it is all about. They knew that when Republican Senators followed the leadership of my friend from Ohio [Mr. WILLIS] when he offered that resolution, "Let us seat him, but at the same time condemn the expenditure of $195,000," they were practicing a species of political hypocrisy. But even so, you laid down a standard by that vote. You said then that the expenditure of such excessive sums in behalf of a candidate—

either with or without his knowledge and consent, was contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government.

Of course, if the Senator from Connecticut [Mr. BINGHAM] had been here at that time, perhaps he would not have voted for the resolution, because apparently it does not make any difference to him how they expend the money or what they do—they should come here anyway and take the oath of office.

But the Republican Senators said by their votes that the expenditure of $195,000 was excessive, that it was contrary to sound public policy, and that it was beneath the dignity and honor of the Senate of the United States. In that case Mr. Newberry himself furnished $195,000. If Republican Senators were right then, if the action of Newberry should have been condemned as it was, how can they now vote to seat SMITH and have him take the oath of office when he is a man who received in contributions, not out of his own pocket, not $195,000, but received more than that amount from the public service magnates, not only of Illinois but Indiana as well.

If those Senators think they can draw a delicate line and distinguish between the two, let them vote for him; let them cast their votes here to-day for the Deneen resolution, and follow the leadership of that Senator on the proposition. SMITH will not be out in your States when you come up for reelection next time defending your course. There will not be one of you who will invite him there to help you in your cause. You will shun him as a nasty thing. You will run away from him as a poisonous thing. You will not want him to come within the confines of your States when you are seeking reelection, because, sir, in the years to come he will be like the Upas tree, so far as politics is concerned, that deadens and kills everything that comes within its touch. I am offering you Senators some good, friendly advice. I like you. Because you have erred once, do not err again.

Senators might defend the Newberry expenditure of $195,000 when Newberry himself made the contributions, but they can not fool a single constituency in this country into believing that they can have pure politics when a candidate for high office who is the head of the public service commission of that State takes from Sam Insull and those who control the public utilities of Illinois the sum of $200,000. I leave it with you. Go on with your folly if you wish to do so.

Mr. BINGHAM. Mr. President, may I be permitted to thank the Senator from Mississippi for his friendly advice and his affectionate consideration for those of us on this side of the aisle who still prefer the rights of the States to any gain from following that portion of the public which is so easily led astray by the brilliant periods to which we have just been listening by a Senator who has succeeded in confusing the issue in his own mind, if not in the minds of his audience? To my mind, the situation appears to be at present that those who believe that it is our duty to pass upon the character and performances of a legally designated representative of a sovereign State, as I understand the Senator from Mississippi and his colleagues do, claim to be in the majority, but are not sure whether they are in a majority of two-thirds of the Members of this body. Accordingly, in the realization of the fact that by a mere majority vote they can prevent a Senator designate from taking the oath and taking his seat, they ask us to establish an exceedingly dangerous and revolutionary precedent rather than run the chance of not being able to secure the two-thirds vote necessary for expulsion after a Member has taken his seat.

The Senator from Mississippi has said that if we allow Colonel SMITH to subscribe to the oath and assume his seat, then, of course, he will remain here during the remainder of the session, and, of course, he will remain during the succeeding term for which he has been elected by the people of Illinois. The Senator from Mississippi is confusing the issue in that regard, for the two cases are not parallel. One is that of Senator-designate SMITH coming here with credentials which are not questioned by anyone in this Chamber and the other is Senator-elect SMITH, concerning whose election there is a question. Personally I do not believe that it requires a two-thirds vote to determine whether a Senator measures up to the qualifications required by the Constitution. I do not believe that even after a Senator has taken his seat and taken the oath it requires a two-thirds vote to declare that he is not 30 years of age, or that he has not been a citizen for nine years, or that he is not a resident of a State which has sent him, or that he is a Federal officeholder and therefore not eligible to sit in this body. And if I were one of those who believed that it was intended that the Senate could add any other qualifications that occurred to it, as many of my colleagues seem to think, I would feel equally sure that a majority vote could declare that a Senator did not have the qualifications to hold a seat in this body and that it does not take a two-thirds vote so to decide.

It seems to me that the Senator from Mississippi has confused the issue with regard to the case before us as to Senator-designate SMITH and Senator-elect SMITH.

Senator-designate SMITH comes here with credentials about which there is not a shadow of legal doubt. Senator-elect SMITH will presumably come here after the 3d of next March with a certificate of election concerning which there may be a reasonable doubt. It has, however, not been our custom in the past to prevent a Senator from taking his seat, even when there was a very great doubt as to the legality of his election, and similarly there has been no hesitancy in depriving him of his seat, after he has sat here for months, when the facts have been investigated and decided by the Senate, as they were recently in the case of Senator Brookhart.

And so, it seems to me, Mr. President, that in their fear lest they may be unable to secure the votes to unseat Mr. SMITH between now and the 3d of March, many Senators who have oft proclaimed their belief that the rights of the States are guaranteed by the Constitution are now willing to vitiate one of those rights in this case for the sake of a little temporary advantage.

Those who are in favor of keeping the Senator designate from Illinois from taking the oath until after his case shall have been referred to the Committee on Privileges and Elections, reported upon and decided by the Senate, are asking us to establish an exceedingly dangerous precedent. As has been pointed out by others, it would make it possible for 33 Senators, ardent partisans, to prevent 32 Senators from taking their seats until their qualifications as to character, politics, intelligence, and so forth, had been passed on by the 33 who would be the majority at the end of the session of Congress. I do not say that it is likely, but I say we make it possible if we establish any such precedent deliberately.

Let us imagine that of the 64 Senators who remained in the Senate at the end of a session and who carried over to the next Congress, 33 should be Republicans and 31 be Democrats, and the new Democrats just elected for the succeeding Congress should hold a theory of government extremely obnoxious to the 33 Republicans and one which they believed to be subversive of this Government. If you establish the precedent that the Senate has the right to prevent the ambassadors from sovereign States from taking the oath and taking their seats here until you have given them a clean bill of health, morally or politically, then you establish a precedent on which those 33 Republicans could vote to keep all newly elected Democrats from taking the oath, or vice versa. You can send them back to their States until the States have elected some one whose qualifications you think right and suitable for membership in this august body.

Let us take another case. In the past we have seen the country bitterly divided on the question of slavery. In the future we may see the country equally bitterly divided on the question of sumptuary legislation, on the question of the right of an individual to eat and drink and smoke that which he pleases. Are you going to establish a precedent whereby a majority of wet Senators can keep out of the Senate an ardent prohibitionist, or whereby a majority of dry Senators can keep out of the Senate a lover of good wine?

This precedent which you are asking us to establish would make it possible for you to please enormously the advocates of prohibition, who would be inexpressibly delighted to have the Senate of the United States say to the people of the several States, "If you send anyone here who occasionally takes a drink, we shall have to send him back to you in exchange for a teetotaler." There are no doubt thousands of people in the United States, Mr. President, who would be delighted to see the Senate take such action. The day may come when they will insist that the Senate take such action.

This revolutionary precedent which you are asking us to establish virtually nullifies the only clause in the Constitution

which was expressly made impossible of amendment, namely, that part of Article V which says that—

no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BINGHAM. If the Senator will permit me, I shall conclude in a very few moments.

Mr. DILL. Very well.

Mr. BINGHAM. Advocates of this precedent have tried to maintain that we established it in the case of Senator NYE only a little over a year ago. They close their eyes to the fact that Senator NYE did not present himself at the bar of the Senate asking to be sworn in. The record fails to show that his colleague or any other Senator asked to have him sworn in. Quite the contrary. His colleague, although willing to have him sworn in, asked that before he be sworn in, it be determined whether the Governor of the State of North Dakota had the legal right to sign the credentials, and, therefore, whether or not the credentials were legal. In this case credentials are presented showing authority under the great seal of the State of Illinois to appoint Mr. SMITH a Member of the Senate of the United States for the balance of the unexpired term of the late Senator McKinley. The authority to issue these credentials is unquestioned. No one has objected to it. If objection be made to the authority to appoint him or to the mode of appointment, beyond all question it is competent for the Senate by a majority judicially to decide that question before he is sworn in; but the question is not raised in this case.

Furthermore, in taking the position, as we are asked to do, that the regularly appointed and designated Senator from a State can not take his seat except by and with the consent of the Senate, we are unquestionably taking another step forward toward that glorious goal of complete centralization so earnestly desired by many well-meaning, but short-sighted people, who believe that there ought to be a law against everything wrong; that the Government ought to make everybody good; that the Federal Government ought to see to it that the derelictions of the State legislatures are punished by depriving them of their powers, and that the derelictions of the people of the several States should be punished by depriving them of their right to say what kind of man they desire to have represent them in the Congress of the United States.

Mr. President, there are not wanting evidences of a movement which would in the end deprive this body of its constitutional powers and reduce it to a mere echo of its former self, as the House of Lords in England to-day is but a mere shadow of its former greatness. Many voices have been raised recently against the apparent unfairness of the Senators from one of the smallest States in the Union, so far as population is concerned, having the same voice as the Senators from a State which numbers fifty or one hundred times as much population, and one of whose smaller cities may exceed in the number of its inhabitants the entire population of the sparsely populated State. If you are going to listen to the voice of a majority of the people of the United States, you may have to make some provision whereby that part of the Constitution may be changed.

If you are going to listen to the clamor of the multitude, if you are going to take the opinion of the majority of the people of the United States rather than that of a majority of the people in any one State, you might as well get ready now to give up the constitutional powers vested in this body. The handwriting is already upon the wall. He who runs may read. Less than two years ago the House of Representatives took upon itself to pass a resolution in regard to the World Court, a matter which was then properly before the Senate and not before the House. It does not take a prophet to see that if the tendency toward centralization is allowed to proceed, the power will eventually be centralized in the body which represents the people of the United States rather than the States of the United States, and the constitutional powers of this body will be reduced to a minimum.

We are now attempting to say that a State can only elect a Senator or a governor appoint a Senator by and with the consent of the Senate. That is the question. To-day we in the Senate have that power with regard to presidential appointments; but only yesterday in the House of Representatives the qualifications of a recent appointee were called in question and strenuously debated. It does not require any great stretch of the imagination to foresee a time when the House of Representatives, representing the majority of the people in the United States, may refuse to appropriate any money for the salary of an appointee of whom it does not approve. Nothing can compel it to do so. If the Senate is to assume the power of saying to the Governor of Illinois, "You can not act under the provisions of the seventeenth amendment except by and with the consent of the Senate," what is to prevent the House of Representatives from saying to the Senate, "You can not act under the provisions of Article II, section 2," where the advice and consent of the Senate is required for the making of treaties and for the appointment of ambassadors, judges, and other officers of the United States, "unless you first secure the advice and consent of the House of Representatives"?

There is no question, Mr. President, that the House of Representatives is far more popular in the country to-day than is the Senate of the United States. Our rules have been held up to scorn and derision by no less a person than the Vice President of the United States, and he has been applauded by hundreds of thousands of admiring persons. Are we, then, to give up our powers because the whim of the moment demands it? Are we to surrender our constitutional rights because a majority of the people in the United States desire to have them surrendered? We can scarcely present a reason against so doing if we deliberately deprive a sovereign State of the United States of its constitutional powers because a majority of the people of the United States do not happen to like the character or the deeds of the man whom one State has sent here.

No, Mr. President; let us pause and consider before we establish any such dangerous and revolutionary precedent as we are asked deliberately to establish in this case. We have courage enough to face that public opinion which at the behest of the Vice President is urging us to change our rules. We have courage enough to face that public opinion which demands that the smaller States shall not be able to vote with larger States having 50 times their population. Let us, then, have courage to face that public opinion which, failing to understand the importance of the delicate structure of our Government, constructed by the framers of the Constitution, is urging us to refuse to receive a legally designated representative of a sovereign State, because it is believed that he has done something contrary to high public morality, or because, under a mistaken idea of the real meaning of representative Government, we are asked to base our vote, as the Senator from Alabama said yesterday, on the question of whether we are "in favor of keeping this body clean and free from corruption."

You have heard the distinguished and eloquent Senator from Mississippi [Mr. HARRISON] appeal to us to keep our hands clean in this matter; but let us not be led astray or confused by popular clamor. Let us not be affected by the fear that some one in the future may accuse us of favoring "debauching the voter and corrupting the ballot box." What nonsense! Such arguments as we heard from the Senator from Alabama yesterday would be entirely in place in a State legislature, and that is where they belong; but they are entirely out of place in this assembly of those who have been selected by the sovereign States to represent them in this body, where the Constitution guarantees them two votes until such time as they may voluntarily surrender their right to equal representation. The Constitution has made us responsible for seeing that the elections are fairly held, but the Constitution has not made us a judge of the character or intelligence or morality of those whom the people of the sovereign States choose to send here. Such a construction would have been immediately refuted by the States when they adopted the Constitution.

Let us look beyond the immediate results of our votes in this case. Let us see clearly the path whither such a precedent leads; and, if we believe in a Union of States rather than in a national empire, let us accord his right to his seat to one who comes here with credentials concerning which there is no shadow of illegality.

Mr. ASHURST obtained the floor.

Mr. FRAZIER. Mr. President, will the Senator yield to me?

Mr. ASHURST. I yield to the Senator for a question.

Mr. FRAZIER. The Senator from Connecticut made an unfair statement, it seems to me, in regard to the situation at the time the credentials of Mr. NYE were submitted here on the floor of the Senate a year ago last December. Mr. NYE was here on the floor and ready to be sworn in, but upon the advice of the leader of the Republican side of the Senate I made the motion that has been referred to; and I desire to read the statement I made at that time.

I said:

I see no reason why Mr. NYE should not take the oath of office at this time, but I understand that there is some question raised as to the regularity of our law in North Dakota. For that reason, and to avoid any unnecessary discussion at this time, I move that Mr. NYE'S credentials be referred to the Committee on Privileges and Elections.

Mr. President, I may have made a mistake in taking the advice of the floor leader on this side. I perhaps made a

mistake in not conferring with the Senator from Connecticut in regard to the matter.

Mr. CARAWAY. He admits that.

Mr. ASHURST. Mr. President, the impression which the Senate has made on the country during the discussion of this vitally important question has been highly favorable. Into the trembling balances in which this issue is weighed practically nothing irrelevant or improper has been placed; and I listened with particular pride to the Senator from Connecticut [Mr. BINGHAM]. There is an Attic salt, a flavor of scholarship, about his various speeches which I appreciate and which elevates the tone of the Senate; but it seems that the able Senator has delivered more of a literary essay than a substantial argument in this case.

What are the facts? I shall summarize them as briefly as possible. They are these. I read, first, from the Statutes of the State of Illinois, page 2677, which provide:

No commissioner—

That is to say, State commerce commissioner—

No commissioner, assistant commissioner, secretary, or person appointed or employed by the commission shall solicit or accept any gift, gratuity, emolument, or employment from any person or corporation subject to the supervision of the commission.

The penalty for the violation of that statute is removal from office, and the offender may also be punished for a misdemeanor.

In the month of April, 1921, Mr. FRANK L. SMITH, now Senator designate, became a member of the Illinois Commerce Commission, a certain regulatory body in Illinois which had and has general jurisdiction of the rates and service of public utilities in Illinois and of their financial structures and of certificates of convenience and necessity. During the campaign of Mr. SMITH for a primary nomination for the United States Senate, and while Mr. SMITH was a member of, and the chairman of, the Illinois Commerce Commission the sum of $125,000 was, with consent of Mr. SMITH, contributed and expended to aid and promote his primary nomination and election to the office of United States Senator. Some say to promote his nomination. But I read from the testimony (Chicago hearing, p. 1548) a brief statement made by the chairman of the Senate special committee, Mr. REED, the brilliant Senator from Missouri, whose renown sheds luster not only upon his State but upon the whole country as well—that Senator, so justly famous for epitomizing, in a few words, the statement of a great principle, said to the committee and to Mr. SMITH:

This committee is not making any charges. This committee has not made any charges. This committee is proceeding under authority of a resolution of the Senate to ascertain the facts touching on the primary election, which is the initial step for a man finally receiving his seat in the Senate. It was the opinion of the Senate that it had the right to know all that any man did in order to gain a seat in the Senate, and if his hands were clean the Senate felt he would not object to telling us what had been done.

No master of language could group into fewer words the true philosophy of an election than is here expressed by the Senator from Missouri. The Senate indeed has a right to know, from the inception of a man's candidacy for the Senate down to its conclusion, all the various and sundry steps he took to advance and promote his candidacy.

It is asserted that we are acting precipitately and without evidence. Let us explore and see. The Senate, on the 17th day of May, 1926, by a large vote, adopted a resolution authorizing and directing the appointment of a special committee to investigate. Investigate what? The primary-election expenses of the Senator designate, amongst others. The Vice President made the appointments; and I shall refer to the personnel of that special committee sent out under the authority of the Senate and at its command to make the investigation and ascertain the facts.

The Senator from Missouri [Mr. REED] is the chairman thereof.

The Senator from West Virginia [Mr. GOFF], known to be a learned constitutional lawyer, who served with ability in the Department of Justice, is a member.

The Senator from Oregon [Mr. MCNARY], who, before he came to the Senate, was a learned judge of the Supreme Court of the State of Oregon, is a member.

The Senator from Wisconsin [Mr. LA FOLLETTE], who, although not a lawyer, has nevertheless great comprehension of public affairs and pungency of intellect, is a member.

The Senator from Utah [Mr. KING] is a member. Before he came to the Senate he was a judge of the Supreme Court of the Territory of Utah, and language easily runs into the superlative in attempting to refer to his vast learning.

Did the Senate send out these gentlemen upon a fool's errand? Were we making mud pies, were we spinning much and weaving nothing, were we engaging in boy's play, when we adopted Resolution No. 195?

Were we engaged in gratifying an imbecilic curiosity when we sent that committee out, at great expense to the country and at much inconvenience to themselves, to gather testimony, to have the same taken down by a shorthand reporter, transcribed, printed, and laid upon the desks of Senators? No; we wanted to know the truth. The Senator designate, Mr. SMITH, amongst others, appeared and testified. How, then, may it be said, therefore, that it was an ex parte proceeding?

Obviously some have grown confused because it so happened, as it has never happened before, so far as I know, that the testimony was taken, was printed, and was laid upon the desks of Senators before the Member designate presented himself to take the oath of office.

Does any Senator here contend that the testimony was unfairly taken? Does any Senator here challenge the accuracy or the authenticity of the testimony? Does any Senator here doubt that the testimony shows the Senator designate violated the law of the State of Illinois when he accepted these campaign contributions from Mr. Samuel Insull, who, according to his own testimony, stated that he represented an investment of $650,000,000 in public utilities in Illinois subject to regulation by the commission of which Mr. SMITH was a member and was chairman? Will any Senator say he does not believe that the Member designate violated the law of Illinois?

Mr. Samuel Insull himself testified before the Senate committee that he controls and is responsible for investments in public utilities in Illinois amounting to $650,000,000, and he, Samuel Insull, contributed $125,000 to the primary campaign fund of Mr. SMITH, who was, at the time of the contribution, a member of and chairman of the Illinois Commerce Commission, which body regulated all the Insull public utilities and other public utilities in the State of Illinois, and had charge not only of the issuance of certificates of convenience and necessity but had such charge and control of their financial structures that the commission could, under certain conditions, within a two-month period double their values or bankrupt them all. The statute of Illinois was a wise statute. It was enacted to protect the people of Illinois.

It is contended that there is no evidence that Mr. SMITH, Senator designate, was or could have been influenced by this huge contribution made by Mr. Insull. That is not to the point.

I refer in this connection to an incident in the career of Francis Bacon, the wisest and brightest of mankind, according to Alexander Pope. It was discovered when he was arraigned in Parliament that a man named Aubrey had a case pending in chancery, and the heavy law expenses, on account of the case being long drawn out, were about to ruin Aubrey, when the hangers-on of the chancellor (Lord Bacon) said: "If you give the chancellor a hundred pounds, your case will be promoted." The money was delivered to the chancellor at York House. Another man named Egerton, who had also a case pending in chancery, was told by some of the hangers-on that if he would make a present of £400 to the chancellor (Lord Bacon)—who goes down in history as "secretary of nature"—his case would be promoted.

Aubrey contributed a hundred pounds to the chancellor, or to some of his hangers-on. Egerton contributed £400, and the chancellor decided against them instead of for them. But when the Parliament held its grand inquest it said: "What the decisions were is immaterial. The gravamen of the affair was not in rendering a decision this way or that way, for or against Aubrey or for or against Egerton. The gravamen of the affair lies in a chancellor accepting presents from litigants before him."

That is the gravamen of this case. The statute of Illinois denounces gifts, bounties, and contributions made to a member of the commerce commission. Mr. SMITH states under his own oath that he knew of these contributions. His manager states that he knew of them. He does say that he was surprised at them; but how proud would be his position to-day if he had said: "No; these contributions must be returned. They are against the law of Illinois." They were accepted and they were used, with Mr. SMITH's knowledge and consent.

I shall not say anything at length regarding Mr. Insull—he is not here to defend himself—but there is a very significant thing in this testimony. The chief opponent of Mr. SMITH was the Democratic nominee, Mr. George Brennan. Bear in mind that Mr. Insull contributed $125,000 in cash to the SMITH campaign for the Senate, and indirectly Insull spent about $33,000 more to promote Mr. SMITH's campaign.

Mr. CARAWAY. The most significant thing of all is that an owner of public utilities in Illinois who lived in Indiana contributed $25,000.

Mr. ASHURST. Quite true. What purpose did Mr. Insull have in these contributions? We can not explore the human heart. We can not explore the recesses of the mind. But we are authorized in the solemn and grave matters in life to judge men according to their acts. Here is Mr. Brennan's testimony, the chairman asking some questions. Brennan was running against SMITH, and Mr. Brennan said:

I want to say in that connection, Mr. Senator, that the contribution from Mr. Insull he indicated to you was given to me the day that he left for Europe. He called me up on the phone and said, "Old fellow, don't you want to see me before I go away?"

That is Mr. Insull talking to Mr. Brennan after Mr. Insull had given Mr. SMITH $125,000.

"Don't you want to see me before I go away?" I went over to his office and he said to me, "Don't you need any money for the great Democratic organization of the State of Illinois?"

Mr. Brennan said:

Oh, we have no serious opposition. I don't contemplate anything; but nobody ever refuses money.

"And you always need money in a political campaign." He said, "I want to give you something. Of course, I am a Republican."

A Republican, indeed! After having contributed $125,000 to the campaign expenses of Mr. SMITH, the Republican candidate, he went over and contributed $15,000 to promote Mr. SMITH'S Democratic opponent's campaign.

I regret to resort in this dignified place to the unseemly procedure of employing the nomenclature of a gambling table, but that nomenclature has crept into our politics—how, I do not know. It is like the nomenclature of the ocean. We draw for our expressions in America more largely upon the nomenclature of the poker table and the ocean than upon most other things, such expressions as "stand pat," "new deal," "full hand." Mr. Insull simply was "double shooting the turn"—the faro players know what that phrase means—when he contributed to both sides. In other words, it was Mr. Insull's intention to land on his feet, and in an upright position, and in a friendly port, no matter what happened.

I do not arraign Mr. Brennan, because Mr. Brennan, as was well said during the campaign, was not a member of the Illinois Commerce Commission. He had no power to regulate Insull. It was purely a matter of taste for Mr. Brennan to accept or reject the contribution. It was not unusually large as such contributions go. It does not necessarily convict Mr. Brennan of moral turpitude. But in what position does it place Mr. Insull?

The testimony is printed and is here, it is available to Senators, and has been available for over a month, and no Senator will arise and say there was any unfairness, any impropriety, any undue advantage practiced in taking this testimony.

If the case were sent to another committee, if a reexamination were had, I assume the same witnesses would testify, in the same way, to the same points, and the result would be the same. That would be merely a brutum fulmen. It would be an unnecessary procedure to traverse the ground we have already traversed. It would convict the Senate of practicing an asinine procedure. It would convict the Senate of futility. We sent out our committee at an expense of $50,000 or $75,000, we occupied the time and attention for months of five of our able Members, and shall say, "We meant nothing by that; it was only a gesture."

No, Mr. President; the testimony here overthrows the prima facie, which is the certificate. Were the testimony not here, every Senator upon his oath would be obliged to seat Mr. SMITH, the Senator designate. I repeat, every Senator on his oath would have to seat Mr. SMITH were it not for this testimony, taken, not ex parte, not in affidavit form hastily drawn from a breast pocket, but taken by an arm of the Senate, at the command of the Senate, at the authority of the Senate.

It will be recalled that Mr. Newberry, of the State of Michigan, permitted huge expenditures to be made in his primary campaign, and the Senate discussed the case for many months. It can not be said that the Senate was precipitate in the Newberry case. Whatever fault may be found with the Senate, it can not be laid at our door that we acted with undue haste in the Newberry case. After years of investigation the Senate came to this resolution regarding the Newberry case and adopted this rule of conduct:

That whether the amount expended in this primary was $195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended.

The expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved.

That was a solemn notice to the world that although Mr. Newberry would be permitted to take his seat, the Senate would not hereafter seat anyone who directly or indirectly spent, or caused to be spent, or allowed to be spent, such a sum as $195,000 to procure a seat in the Senate.

Mr. SMITH and his supporters may say, "We did not know of this order entered by the Senate in the Newberry case. They may say the CONGRESSIONAL RECORD has not a wide circulation, and the resolution was filed away in the musty tomes with the archives and the ordinary citizen could not have known of it."

That is no excuse. If you place on record a deed, if you place on record a mortgage, the world has constructive notice thereof, and your property and your title are protected even though some one did not have actual notice. The Senate gave constructive notice to the world, in so far as any notice could be given by the Senate, that it would not tolerate huge expenditures in procuring seats in the Senate.

But it is said that the Supreme Court of the United States struck down the law, which denounced excessive expenditures in a primary election. It did not do so. This is how I interpret the decision of the Supreme Court of the United States in the Newberry case, found in 256 United States, 232, et seq. Four of the judges held the statute to be invalid, four held it to be valid, and one judge expressed no opinion. But that is not the question here. The Senate of the United States is not attempting to enforce a penal statute against the Senator designate. The Senate of the United States is not attempting, I repeat, to enforce a penal statute such as was attempted to be enforced in the proper court in the Newberry case. The Supreme Court of the United States never has decided and, in my judgment, never will decide that the Senate is powerless to set up its own rule as to how much money it will permit a candidate for a seat in that body to expend.

Mr. CARAWAY. And the most significant thing of all this investigation was the notice served, whether it was lawful or not, that the Senate would not tolerate any such expenditure.

Mr. ASHURST. Indeed so. The Senate has plenary power to keep itself clean. The Supreme Court of the United States never will decide that the Senate can not keep itself clean. The Senate of the United States has plenary power to deny a seat in this body if such seat has been procured directly or indirectly by fraud, bribery, or the expenditure of excessive sums of money. Now, as to what is an excessive sum of money, Senators may and do honestly differ, because there is a zone so wide, a penumbra so broad, that unanimity of opinion thereon would be impossible.

Take the able Senator [Mr. MAYFIELD], who serves here with a diligence and capacity that distinguishes him, is from Texas, which has 5,000,000 persons. A reasonable man would expect that it would cost more money to make a campaign for the Senate of the United States in Texas than it would in the State of Nevada, where 80,000 persons comprise the population—a State so ably represented here by my learned friend [Mr. PITTMAN]. It is my native State, and I am proud of the way it has been represented in the Senate since I have been here.

Take the State of Pennsylvania, so well represented here. Is it not obvious that a man would be expected to spend more money and be excused for more money in a campaign in Pennsylvania than in Arizona? Arizona has a population of 450,000 persons. So I say there is such a wide penumbra, such a broad zone, that reasonable men will differ as to how much money is necessary honestly and fairly to be spent in those respective States.

But whatever sum of money we may conclude may be necessary to be spent in Pennsylvania or in Illinois or Wyoming or Nevada, the Senate has expressed itself as to the maximum sum. The guidepost set up by the Newberry case is not a license and a command for a Senator to go out and spend $195,000. It simply says the expenditure of such a sum is contrary to public policy. The law of the State, the dictates of conscience and of good taste, should be the controlling element as to how much money may be spent.

Moreover, we have a further expression of the Senate here. The Senate went on record, so far as it could, and enacted a law which denounces the expenditure of a higher sum than $10,000 in procuring one's seat in the Senate. That probably is the most important and most illuminating light we have

as to the Senate's judgment as to how much it is necessary to spend.

So, Mr. President, when a person presents himself at yonder door with a certificate from the governor, whether as a Senator designate or Senator elect, if there be a vacancy and the credentials are regular on their face, we seat him if there be nothing before us to overthrow the prima facie.

But when testimony is laid upon the desks of Senators, not affidavits drawn out of their breast pockets or testimony having been taken ex parte, but testimony laid upon their desks taken by authority of the Senate, by the officers of the Senate, by a committee of the Senate, taken at the command of the Senate, at the expense of the country, the prima facie is overthrown, as it is in this case, and the Senate has a right, in view of the testimony taken by the Senate, to say that the Member designate should step aside and be denied the oath of office until the Committee on Privileges and Elections shall go into the matter further. If the Senator designate or any Senator here were to say that more testimony is necessary or that some of this testimony was false and that the Senator designate had no opportunity to controvert it, or that the testimony was improperly taken, was illegally taken, or that the Senate had no authority to take it, that might be an argument which would address itself to the conscience and judgment of every Senator. But there is no showing here, no pretension of a showing here, that the testimony was unfairly taken, illegally taken, or that any advantage practiced. Every Senator, I believe, admits that the testimony was fairly taken. The very fact that the men whose names I have mentioned were members of the committee is a sufficient guarantee to me.

Think you that JAMES A. REED and GUY D. GOFF, think you that CHARLES E. MCNARY and ROBERT M. LA FOLLETTE and WILLIAM H. KING are going out upon a fool's errand, without authority, pretending to hold hearings and take testimony without authority? They either had authority or they had not. If they did not have authority, no committee ever appointed by the Senate had authority. The adoption of the resolution, if I recall, was nearly unanimous.

I had a resolution, which I introduced on the 16th day of December last, which provided that the qualifying oath be not administered to Mr. SMITH, the Senator designate, and that the special committee be called upon for a report. I have not asked and shall not ask for any action upon that resolution, because I believe the resolution introduced yesterday by the Senator from Missouri [Mr. REED] is a better, is a more judicial, and more judicious way of reaching this subject. I well appreciate, since reflecting upon it, that the special committee, having taken the testimony, having made its report, having extracted all these facts, would not care, in its position as Senate prosecutor, or at least in its position as investigator, now to be charged with the grave and solemn responsibility of recommending to the Senate what ought to be done in the premises. So I am therefore alienated from my own resolution to the resolution of the Senator from Missouri, which proposes to refer the matter to the Committee on Privileges and Elections, one of our standing committees.

Let no man misconceive the importance of this case. When our Republic was young and was not opulent, money could not have the influence it has to-day. The great struggle of the day is not for money, but for luxuries. Money buys so much nowadays that it almost turns the mighty currents of public opinion. Money sits in judgment upon so many avenues and energies of our modern life that it has a potency, possibly an unconscious influence, in places where, when we were younger and poorer, it had no influence. One of the greatest services this body can perform is to say that howsoever much people may be influenced by the things which money can buy and by the trappings and by the caparisons which the opulent can afford, this body, the people's Senate, will never seat a man who expended excessive sums of money in procuring a seat here.

As to the Senator designate, Mr. SMITH, I have never seen him. I am not conscious of the slightest prejudice against him. It would be inexpressibly shocking to imagine that any Senator here could think of any partisan advantage. I am quite sure that no Senator has thought of or will think of any partisan advantage in this case.

Every Senator here who indulges in the luxury of reflection knows that the Senator designate would not have been designated had he not received the primary nomination; he would not have been elected if it had not been for the primary nomination; and he would not have been appointed had he not been elected.

Mr. President, as the Senator from Washington [Mr. DILL] said the other day, this case is "sticky" with money. We shall all pass on and in due season shall all become lame ducks; that is the common fate of all. It should not inspire fear in anybody. What we do here will be rolled into a scroll and put away in history's urn. Very few things that we do or say, will future generations deign to read. But this is one of the important cases; this is one of the few cases which will be used as a precedent. Years after we have gone and shall have left these seats forever and when our voices are still this case will be used as a precedent. Let us see that we set up a precedent which will be on the side of honesty, truth, justice, and one which is resolutely against any attempt to buy honors and offices in America.

Mr. HEFLIN. Mr. President, I have listened with a great deal of pleasure and interest to the speech of the Senator from Arizona [Mr. ASHURST]. Candor compels me to say that it is one of the best speeches that have been made in this Chamber on this subject and, in my judgment, is unanswerable. The Senator has done his country a great service by the address he has delivered. He has brought back to the attention of the Senate and of the country the fact that the issue here is, Shall the predatory interests buy seats in the Senate? He is right when he says the particular question that we have got to decide is whether we shall sanction the sale of a seat in the Senate.

That is the issue before the Senate. There is no getting away from that.

So far as I am concerned, I accept the challenge of the Governor of Illinois. He has challenged the Senate itself by his conduct in this matter. He has appointed a man in the face of a report of a Senate committee charged with obtaining a nomination to the Senate from Illinois through fraud and corruption. In doing that he has not only challenged, he has defied, the Senate. They were afraid to wait until Mr. SMITH came here in March with his credentials of election. So the governor picks him out and defies the Senate by appointing this particular man. By that he says, "Now, act on him; there was nothing irregular in my selecting him; I am the governor of the State." But the Senate's answer to that is, "Yes; but when you selected him you knew that he was the same man that a committee coming out of the Senate had investigated in Illinois and found that he had spent in the neighborhood of a million dollars for a seat in this body.

You knew that you would raise this whole question and have a fight on your hands when you sent him here. I say to the Senate now that the governor did know. Most of the Senators here were consulted on the subject. I myself was approached and asked if I thought if the governor appointed SMITH he would be seated, and I told the man who approached me that he would not be seated; that the Senate could not, in the face of the undisputed facts in the case, seat him. I said, "It will never be the judgment of a majority of the Senate to permit this man, this particular man, to come into the Senate and take the oath. I believe the Senate has reached the time when it is ready to say to the corruptionists of the United States, 'You may corrupt the voter and buy an election in the State but your candidate will never be seated in this body.'" I am sure the governor was told that, because I have been told by a close friend of the governor and a good friend of mine that he had been told that a majority of the Senate were not favorable to this man.

Then why has this particular man been picked out and appointed to the unexpired term? The bold and arrogant corrupt and crooked interests of the country are not ready to beat a retreat.

The corrupt use of money in Republican politics has increased greatly in recent years. The crooked interests are accomplishing so much through it that they are not willing to be driven from the conflict; and they are here with their lobby and their hired lawyers to work in this case. They have also a social lobby active in Washington. I myself have been approached by these clever, smart women, who have urged me not to vote to keep Mr. SMITH out. They said: "He is such a nice man, he ought not to be kept out; let him in and then if you must unseat him, unseat him." Mr. President, I said, "No, we do not propose that he shall cross this threshold. He has got to come with clean hands, and unless he does come with clean hands he is not going to be permitted to take a seat in the Senate."

I hold in my hand the report of the committee which represented the Senate. There were five Senators on that committee selected by the Senate, two Democrats, two regular Republicans, and a Progressive Republican, the able young BOB LA FOLLETTE, from Wisconsin. As the Senator from Arizona has said, they were representing the Senate. They took testimony in the Smith case. They were not trying to do any harm to Mr. SMITH; they were trying to get at the truth. They did obtain the truth. Nobody disputes their finding. Mr. SMITH himself does not do so. And what do their findings show? That over a half million dollars was spent in

Mr. SMITH's campaign for a Senate seat in Illinois. The statute of Illinois forbids such an expenditure. Then he has violated the law of his own State. The statute of the Nation forbids that. We passed an act in 1925 that covers general elections, providing that in no instance in any State shall a candidate for the Senate expend over $25,000. That ought to have been a guide to this candidate. That law told him that he should not spend more than that amount in a Republican primary, for the primary nomination in Illinois means election. The primary in Illinois is equivalent to an election.

The moment Mr. SMITH obtained the Republican nomination his election was assured. Therefore he violated the statute of his State and the spirit of the statute passed by Congress, and spent fifteen times as much money and more than the amount which the law allowed.

But that is not all, Mr. President. Witnesses for Mr. SMITH, witnesses who knew about the campaign contributions, refused to give information to the Senate committee. Some of them very curtly and stubbornly refused to tell what they knew about funds collected and expended for Mr. SMITH. So we were unable to find out all that had been expended to elect Mr. SMITH to the Senate, but we did find out that more than $500,000 had been spent to secure the election of Mr. SMITH.

I repeat, some of the witnesses would not testify; they flatly refused to tell what they knew to the committee representing the Senate. So, Mr. President, they go out and corrupt the voter and buy the election, and when the Senate, seeking to protect itself and seeking to protect the institutions of the country, calls on them to tell the truth, they fold their arms and say, "We decline to testify." That is one of the ugly things in the case before us to-day. Then the Governor of Illinois makes this appointment in the face of the undisputed facts before the Senate.

Now, listen to what happened in the hearing before the Senate committee taking the testimony in the State of Illinois. The Senator from Missouri [Mr. REED] was asking some questions. He said:

> It is in evidence here, Mr. Insull, that your money went into the campaign. When you contributed to Roy O. West, as he testified, you knew that Roy O. West was supporting McKinley, did you not?

Now, listen to the answer of Mr. Insull:

> I thought they were going to end up by supporting Mr. McKinley, but I think at the time I made the contribution I did not know one way or the other.

How illuminating.

> The CHAIRMAN. Then you did make the contribution, did you not?
> Mr. INSULL. What?
> The CHAIRMAN. Then you did make the contribution, did you not?
> Mr. INSULL. I take my hat off to you. [Laughter.]
> The CHAIRMAN. Now, tell us how much it was.
> Mr. INSULL. I am not going to say anything more, Mr. Senator. You see, I am not used to being cross-examined. You are too smart for me.

And he refused to give the committee any more information. He would not tell just how much money he had expended to help buy a seat for Mr. SMITH in the Senate.

Mr. President, what are the facts in another case now before the Senate? Senator NYE has been elected, and yet his credentionals, regular and in proper form, have been referred to a Senate committee. Nobody objected to that procedure. Mr. NYE himself made no objection, and his colleague did not object to having the Senate committee examine and report on his credentials. There is no charge of fraud and corruption in the case of Senator NYE.

Why should the Republicans in the Senate permit the credentials of Senator NYE to go to the Senate Committee on Privileges and Elections and then bitterly oppose sending the credentials of Mr. SMITH to the same committee? Why should this special arrangement be made for and this extraordinary consideration be given to Mr. SMITH, of Illinois?

When GERALD NYE came down here, some of the high-brow Senators on the other side thought him to be a "hayseed" or "bolshevik," and they did not want him seated. One Senator, it is said, wrote a letter out to his State, interfering in advance of his appointment and telling State authorities that if they appointed him he would not be seated by a Republican Senate. I am satisfied that Mr. Small, the Governor of Illinois, has been told that a majority of the Senate was against seating Mr. SMITH, and when he appointed him he knew that he was going to precipitate a fight with the Senate; and he knew that if the Senate should permit him to come in and take his seat and serve until the 4th of March and then turn around and kick him out on his credentials as a Senator elect, the Senate would be an object of ridicule in the Nation and the laughingstock of the country. They would say:

"Didn't you know this was the same fellow who corrupted the ballot in Illinois?"

"Yes."

"Did you not know he was the man who bought or for whom the senatorial primary election was bought?"

"Yes."

"And you let him come in under an appointment from the governor—the very same man—and serve out the unexpired term of the man he defeated, and who has since died, Senator McKinley?"

"Yes."

"And then after letting him serve in the Senate you turned around and suddenly discovered that he was not a fit man, this same man SMITH, to serve any longer, and you turned him out on the 4th of March?"

"Yes."

Mr. President, the Senate would be ridiculous if it did a thing like that, and it would deserve the scorn of the Nation if it permitted such a thing. This is the same man, and the question is, Are we going to sanction the sale of this seat in the Senate? You can not get away from that.

Mr. NYE's case was referred to a committee. He is a poor man. No predatory power purchased his seat. He obtained his appointment to the Senate on his merits. The governor of his State appointed him, and there was no charge of bad faith or corruption connected with it; and yet he had to stand back and wait for weeks here at the Capitol while a committee of the Senate—the same committee to which we are asking to have the SMITH credentials go, the Committee on Privileges and Elections of the Senate—examined and reported on his case; and the Senate voted on the committee's report, and Mr. NYE was seated by a close vote of the Senate.

Why should those who voted to have a Senate committee investigate Senator NYE's credentials now turn completely around and oppose having the same Senate committee investigate Mr. SMITH's credentials?

Some strange things happen here. Mr. SMITH will be given an opportunity to go before the committee. The committee will hear all that he and his friends have to say. Mr. NYE went before the Senate committee with his friends. Mr. SMITH can go before this committee and take his friends. He will be heard; the committee will make its report, and the Senate will act upon the report, just as they did in the Nye case. Now, who can object to that? Here is what happened in the Nye case when the committee did report to the Senate. This resolution was adopted:

> That GERALD P. NYE is entitled to a seat in the Senate of the United States as a Senator from the State of North Dakota.

As I have said, this special report on the Smith case comes from the special committee representing the Senate, representing every political faction in this body. The chairman of that committee [Mr. REED] offers the resolution to refer this man's credentials to the same committee that passed on the Nye case; and, to save my life, I can not understand why the Smith case should not take the same course.

The able and eloquent Senator from Indiana [Mr. WATSON] tells us that he called up Mr. SMITH and had a talk with him over the long-distance telephone and implored him not to come here seeking admission on the governor's appointment; but Mr. SMITH would not pay any attention to the admonitions of the Senator from Indiana. The governor would not heed the word that he had received regarding the position of Senators in this body. The predatory interests had demanded that this thing be presented, pushed, and fought out, and there can be no misunderstanding as to what the question before the Senate is. Are we going to vote in favor of permitting corrupt interests to buy seats in this body, or are we going to vote to prevent that dishonorable and dastardly thing from being done? Let us say to all of them, "You may buy these seats, but you will never occupy them. You may buy the election, but your man will never cross the threshold of the Senate."

The Senators who represent the honest and patriotic men and women of this Nation have made up their minds to this one thing, that the corrupt use of money in politics, the controlling of elections by the lavish use of money must be and shall be destroyed.

The welfare of the American people and the preservation of our free institutions demand that we shall fight and drive these corrupt interests from control in our country.

Mr. President, let us be fair enough and brave enough to treat Mr. SMITH, who represents the powerful and dangerous predatory interests, just as we treated Mr. NYE, an able but poor and

humble western man, who was appointed on his merits by the constituted authority of his State. Let us determine that the credentials of Mr. SMITH shall take the same course. Who here is ready to say that Mr. SMITH shall walk a velvet-carpeted path to the Vice President's stand and take the oath as a duly qualified Senator with all these charges of fraud and corruption hanging upon him? Let a Senate committee investigate the grave charges against this man SMITH, as it did the simple commission in the case of Mr. NYE, and then let us come into the Senate and vote on the question as to whether or not he is entitled to take the oath as a Senator, just as we did in the case of this poor and plain western man, Mr. NYE.

Mr. WALSH of Massachusetts. Mr. President, I am of the opinion that there is a fundamental question here much deeper than that of procedure, and that can not be separated from the question of procedure. The real issue, it seems to me, is whether one shall be permitted to use or be prevented from using his influence and vote in this Chamber to determine whether or not corrupt practices had been used, to obtain his own senatorial election, when the Senate already has on its own records, obtained through its own initiative, evidence tending to prove such corruption.

If what we have before us were a mere charge, a rumor, or even a protest made through petitions filed in the Senate, I would seriously doubt the right of the Senate to delay administering the oath pending an investigation. In the present case, a case unprecedented, unlike any other case that has ever come before the Senate of the United States—there is in the possession of the Senate, obtained by the Senate itself, evidence tending to show that corrupt means were used by this designate Senator to secure a seat by election to this Chamber.

The offense here is political corruption, not personal unfitness but an offense against our Government second only to treason, and an offense against one of its most sacred institutions—a free ballot and an honest election—an offense, if the evidence is true, that peculiarly and particularly disqualifies one for the public service. The control of our elections by the corrupt use of money is a growing evil which threatens free, representative government. If the ballot box becomes corrupt, the laws that result from the exercise of the corrupt ballot will be tainted, and disrespect for law and authority, and this Chamber will follow as certainly as the night follows the day.

It seems to me that it is the clear duty of the Senate to take this opportunity to serve notice upon all candidates, and all in authority to appoint, that no man, in regard to whose nomination or election evidence of interference with the free, untrammeled electorate is in the possession of the Senate, obtained not from outside sources but from its own investigation, will hereafter be allowed to take his seat until the charge is disproved, and until he is shown to be in reality the rightful, honest—both of which are included in the word "legal"—choice of his State. If the Senate in the possession of evidence gathered on its own initiative—and I keep repeating that—showing that corrupt means were employed to sit in this Chamber, does not stop, at the very theshold, those who come thus charged by the Senate's own inquiry, until a full and complete investigation is made, what assurance or inducement will there be to those outside the Senate to petition us against such an evil after the one implicated has taken his place here?

It is hairsplitting to attempt to distinguish between the action we should take in view of the fact that Mr. SMITH comes here with a certificate of appointment by the Governor of the State of Illinois and that which should be taken if his certificate were based upon an election.

The test is, Does the evidence before the Senate, if true, tend to show political corruption that is "malum in se"—bad in itself, intrinsically bad? If the means which Mr. SMITH employed to come to the Senate were intrinsically wrong, bad, and corrupt, he can not disassociate himself from the responsibility of answering to the charge by claiming that the wrong alleged attached to another certificate admitting him to the Senate rather than to this certificate.

If an election was obtained by corrupting the electorate, it was invalid, regardless of how regular the certificate which will be presented here at the next session will appear upon its face.

If Mr. NYE's appointment was illegal, the Governor had no authority to appoint him, regardless of the appearance of regularity on the face of its certificate; and Mr. NYE was kept out of the Senate until this question was determined. If one uses corrupting means to obtain an election to this body, it is, in my opinion, so intrinsically and fundamentally disqualifying that it can not be condoned, excused, or set aside through some other methods or means obtained or used to get a seat in this Chamber.

Furthermore, Mr. SMITH, if he chooses, after having taken his seat—I know of no rule to the contrary—could of right vote against his expulsion, and his vote would offset the vote of two other Senators free from any accusation of political corruption.

Indeed, of right, his own vote could control. I know the practice has not been to exercise that right, but there is no rule here which forbids a Senator from exercising it.

Therefore, very briefly having stated my position, I shall vote for the investigation of the charges of political corruption before and not after Mr. SMITH becomes a Member of the Senate.

Mr. BLEASE. Mr. President, I spoke on this question January 12 and 13, as the RECORD will show, but there is one case which I think has been overlooked in mentioning precedents in this matter, where money was used to buy an election, where the man who used it confessed. He came here and was sworn in as a Senator on the Democratic side of the Senate, and afterwards was investigated and was allowed to resign, as was Judge English. I refer to William A. Clark, a Senator from Montana.

At the beginning of the first session of the Fifty-sixth Congress William A. Clark was duly admitted to a seat in the Senate as a Senator from the State of Montana for the term of six years commencing March 4, 1899. I shall not read the statement of the case, but as a matter of fact he was sworn in, he exercised his rights as a Senator, and he resigned later under threat of being expelled from the Senate. He went back to Montana, waited a while, and was reelected to the Senate and was seated, and served the full term, taking his seat March 4, 1901, and serving until March 3, 1907. In the history of the matter the names of those people whom he admitted buying are given. His own son said that he himself went out and proceeded to buy votes for his father.

In the face of the admitted facts, as shown in the RECORD, as any Senator can find if he desires to read it, that he bought those votes, witnesses even having testified as to the very amounts paid, he was seated.

There is no proof here that FRANK SMITH spent one single dollar wrongfully. It might be that he did make a mistake when he took money from Mr. Insull, but both the great parties of this country, the Democratic Party and the Republican Party, accept all the money they can get from any source they can get it, corporations or anybody else, and I have never yet heard of any of them asking, "Is it tainted?" No. They take it, and very often taint votes with it in the November elections for President of the United States.

Another case was that of my friend the junior Senator from Texas [Mr. MAYFIELD]. He was here when I came to the Senate. Why did you not investigate MAYFIELD before you allowed him to be sworn in? Why did you not investigate William A. Clark, of Montana, before you allowed him to come in? Because the Democratic Senators sat here as the representatives of State governments, believing in the rights of each State. They followed their belief and seated those men, just as FRANK L. SMITH should be seated.

Oh, it is easy to dodge off on other questions. Now, there is talk about the Whittemore case, and Whittemore has been referred to as a South Carolinian. I shall not take up the time of the Senate to read his complete record, but I certainly want to say this much:

Benjamin Franklin Whittemore, a Representative from South Carolina, born in Malden, Mass., in 1824. Completed his preparatory studies. Studied theology and became a minister of the Methodist Episcopal Church; chaplain in the Union Army. After the war located in South Carolina. Delegate to the State convention, and so forth and so on.

He was not a South Carolinian. He was not elected by the Democratic Party. He was elected by the scalawag nigger-thief government of South Carolina, and he came here to Congress and went across in the other House. He had to leave Boston, Mass., for beating a man out of $5,000. I have his history here, and it would be very easy to read it to the Senate. Then he was elected to Congress. He is named here under the Republican nominees for Congress.

First district, B. F. Whittemore, carpetbagger.

Here is his history in Congress: In 1870 he sold a cadetship at West Point for $2,000. Bear in mind the fact, as is stated further over, that he bore a bad character before he came to South Carolina, and swindled a man by the name of W. F. Shaw, of Boston, out of $5,000. So it can be seen what a fine fellow he was. I find further reported that at that time a certificate in the sum of $5,000 was issued to B. F. Whittemore for purchasing portraits of Abraham Lincoln and Charles Sumner, as authorized by a joint resolution of the Legislature

of South Carolina. Whittemore collected the sum named, but neither portrait was ever bought.

The last report we have of him is that he and two men by the names of Hoge and Neagle promptly left the State after the Democrats got control, because they thought they were going to be put in the penitentiary, and they have never been heard from since.

Mr. President, I believe in fair elections. No man believes in them stronger than I do. The last colored man who ever sat in the House of Representatives sat there by my vote. I was a member of the State board of canvassers of South Carolina. This negro was a candidate for Congress against Gen. E. W. Moise, who had been adjutant and inspector general on the Wade Hampton ticket in 1876. Gen. E. W. Moise ran for Congress and this negro, Murray, was a candidate against him. There was a contest before the State board of canvassers. That was along in the nineties, long after the Democrats had gotten control of the government.

It was conclusively shown that the negro was fairly and squarely elected, and, as a member of that board ex officio, being chairman of the privileges and elections committee of the house of representatives of my State, I cast the deciding vote that sent Murray to Congress. He sat there until he moved. When he went out of Congress he went to Chicago, and I think he is now practicing law in that city and doing well.

Mr. President, if I had been here on the day when the Reed resolution was presented, I should have taken a position then against it, but I was out of the city, the only day I have missed from the Senate since I have been a Member. I was in South Carolina presiding over the State Democratic convention. I do not believe the Senate had any right to pass a resolution to investigate FRANK SMITH. Why not pass a resolution to investigate the private character of any other man? Why not pass a resolution and take the jurisdiction of the person of any private citizen in the United States of America, of any man today who says that he has title to a seat in the Senate? Why not investigate the men who parade that they are against the constitutional amendment on prohibition? Why not investigate the men who say that they are opposed to the enforcement of the law because they are opposed to the amendment? They are just as much violators of the Constitution, which they are sworn to uphold and obey, as is FRANK L. SMITH, if he is admitted to this body.

I say that when the Senate passed the Reed resolution it went further than it was authorized to go. Where do we get authority to take jurisdiction of FRANK SMITH? Only when he becomes a Member of this body, and we can not get jurisdiction beforehand. As in the Clark case and the Mayfield case and in the other cases, he should be sworn in and then investigated.

Oh, but the Nye case is urged as a precedent. There is no such thing as connecting the two cases together properly. I voted not to seat GERALD NYE. Therefore I know whereof I speak.

The Senator from North Dakota [Mr. FRAZIER] rose and asked on behalf of his State that Mr. NYE's case be sent to the Committee on Privileges and Elections. The Constitution provides that the Senate shall not deprive any State of its representation in this body. Very well. There was the spokesman of that State, the man in authority from that State, the only Senator at that time from that State, who rose on the floor of the Senate and said, "Gentlemen, I have my doubts, and our people have their doubts, as to whether or not the governor had a right to appoint Mr. NYE." Mr. NYE's credentials were not sent to the committee on account of any public investigation of him. The Senator from Alabama well says that there were no charges against Mr. NYE. No. His credentials were sent to the committee on a legal question only, and that legal question was, Did the Governor of North Dakota have the right to issue that certificate? As soon as the committee came back into the Senate and said that he had the right, then the Senate took its vote. I voted against seating Mr. NYE because I did not believe then, and I do not believe now, that the governor at that time, under the statutes of that State, had a right to make that appointment.

After the 4th of March Mr. NYE will come with another certificate, which will be quite a different proposition. I have not heard of anyone yet suggesting that his credentials in the next Congress be sent to any committee.

Mr. HEFLIN. They have already been sent to the committee. I called attention to that.

Mr. BLEASE. After he was sworn in they were sent.

Mr. HEFLIN. No; his credentials under his new election.

Mr. BLEASE. He is here now; is he not? If he is not here, he is not here, and if he is here, he is here.

Mr. President, I will cite one more case. I was somewhat young at the time, but I remember when a seat was bought in the Senate for one Calvin Brice, a Democrat who lived in the State of New York.

Mr. KING. Ohio.

Mr. BLEASE. No; he lived in New York. The seat was bought for him in Ohio by the Ohio railroads, and the Senate ruled that he voted in Ohio, and seated him. That is true.

Mr. President, if it be true that the Senate in judging the election of its Members can override and destroy the rights of the States, then it is equally true, in respect to the Presidency, for Congress is the judge of the elections of Presidents, for the Constitution says that the certificates of the States shall be opened by the Vice President, and the vote shall then be counted. If the precedent is now established that the Senate, in judging the election of the Senators, can enter a sovereign State and forcibly take possession of its archives and governmental documents—and none are more important than those which register the result of an election—then it is true that in counting the votes for the President the Congress could go to each sovereign State, or to such States as a majority might decide, and remove all ballots, tally sheets, registration tickets, and so forth, to Washington and lock them up under Federal officers. This reduces a sovereign State to the dimensions of a police precinct.

Senators should consider what this means as a precedent, for who shall say in the election of Senators or in the election of President that in a closely contested contest that a majority of the Congress might not authorize a subcommittee to enter every Southern State and forcibly remove all documents relating to elections to Washington to be recounted by Federal officials. They might as well take forcible possession of the great seal of the State.

I will state right here that in 1876 the only thing that kept this country out of civil war over the Hayes and Tilden election was that the South had just been through such a war and was not properly prepared to go into another. The Electoral Commission, then composed of the men it was, held that they could not bring the votes of Alabama and South Carolina and Georgia to this body, but they held that they could not go back behind the returning boards, and by so holding they established a precedent that the Senate should follow, and we know what the result was. Many a man believes to-day and honestly believes, and possibly he is right, that the election of Rutherford B. Hayes was stolen from Samuel J. Tilden.

An examination of the cases cited in the speech of the Senator from Tennessee [Mr. MCKELLAR] shows that they are very largely those in which the constitutionality of the right of the governor to make an appointment was in question, where the evidence of disqualification was prima facie, or where disloyalty was charged, growing out of the Civil War, and so forth. Some of those cases were acted upon at once, the credentials accepted, and the oath administered. Some of them were held before the Senate for several days or several weeks and discussed. Some were referred to a committee, reported upon, and acted upon after a number of months. I have not had an opportunity to find in each case the cause of the objection to the credentials, but it is safe to say that very few of them are analogous to the Smith case.

The statement made by the Senator from Illinois [Mr. DENEEN] covers the situation very fully, it seems to me.

The Senator from Missouri [Mr. REED] called attention to the fact that a senatorial committee has gathered information which shows fraud and corruption in the election of Senator-elect SMITH, which information affords sufficient evidence to justify Senators in their conscience to vote to refuse to allow Mr. SMITH to take the oath, and that this evidence of fraud overcomes the prima facie evidence of the regularity of the credentials presented. However, that report of the investigating committee, which, as I understand it, is not before the Senate, has not been formally and officially approved and accepted and does not, therefore, afford a basis of proof conclusive for the Senate ipso facto to vote to refuse to allow the Senator elect from Illinois to take the oath, and thus deny the State the right to be heard. A number of men I have talked with think it would be a great mistake for southern Senators to vote to refuse to permit him to take the oath pending formal and conclusive action by the Senate first establishing the fraud and corruption of his election, and they believe that such a precedent established would come back to haunt us in the future.

In the Nye case his own colleague made the request that the matter be referred to the committee, and by that request we should stand.

In conclusion I want to read to my colleagues a letter written by one to whom I think most of us will give a little

thought, if not a little consideration. Under date of December 15, 1866, Gen. Robert E. Lee wrote to a friend as follows:

* * * I can only say that while I have considered the preservation of the constitutional power of the General Government to be the foundation of our peace and safety at home and abroad, I yet believe that the maintenance of the rights and authority reserved to the States and to the people not only essential to the adjustment and balance of the general system, but the safeguard to the continuance of a free government. I consider it as the chief source of stability to our political system. * * *

If, therefore, the result of the war is to be considered as having decided that the Union of the States is inviolable and perpetual under the Constitution, it naturally follows that it is as incompetent for the General Government to impair its integrity by the exclusion of a State as for the States to do so by secession, and that the existence and rights of a State by the Constitution are as indestructible as the Union itself.

Mr. President, that is my opinion. It may not be worth anything, but it is worth that much. But I want to say—though it may be just as well not to say it—if this man is not given his seat and given the right to go before the committee to present his proof, if the Senate is afraid of its own committee, then I say that when it comes to the reorganization of the Senate in the next Congress every Member of this body will be at liberty to vote for those whom he wishes to be President pro tempore and the other officers of the Senate, and that shall be my position if the Senate votes to refuse this man his legal and constitutional right. If the Reed resolution is adopted, the last vestige of State rights is gone.

Mr. HEFLIN. Mr. President, just a word. I can not permit the speech of the Senator from South Carolina to stand unchallenged, at least a certain part of it. In reply to what he said about the Nye case, I will state that the senior Senator from North Dakota [Mr. FRAZIER] has already stated that he was advised on the Republican side of the Chamber that the credentials of Mr. NYE had better be referred to the committee, that they were not going to permit Mr. NYE to be sworn in without an investigation. That is the fact about that situation. Mr. SMITH is not deprived of any right if we do in his case as we did in Mr. NYE'S case.

But what I rose to say particularly is this. The Senator from South Carolina [Mr. BLEASE] said the Democrats and the Democratic Party would gladly take campaign money from anybody in any amount. I can not permit that statement to stand unchallenged. The Democratic Party will do nothing of the kind. The Democratic Party does not want any campaign contributions from sinister interests or corrupt sources of any kind. It has to use some money to pay its legitimate expenses, but it collects that money from the rank and file of the party in $1 contributions, $5, $10, and $25 contributions. I did not want that statement of the Senator from South Carolina—and he certainly did not mean it in the way that it sounded—to stand unchallenged, so it could be said by Republicans hereafter that nobody in the Senate disputed it. The Democratic Party never has and, I pray God, never will become so low and depraved as to take its hat in hand and go around to the crooked and corrupt interests of the country indicating its willingness to barter the use of Government instrumentalities. The Democratic Party never has stood and never will stand for that kind of thing. The Democratic Party stands for clean and honest elections and is opposed to selling and confirming the sale of seats in the Senate.

Mr. BLEASE. Mr. President, the Senator from Alabama speaks for Alabama only. Nobody else here knows anything about his State; so I can not answer his statement. [Laughter.]

Mr. SACKETT. Mr. President, before we come to a vote on this matter I want to say to the Senate that there are some of us who are still not quite satisfied as to the principles which should guide us in a vote on this question. I am personally anxious to vote against the seating of Mr. SMITH. I shall certainly vote, as I read the report of the special committee, for the expulsion of this nominee after he presents his credentials and the matter is heard by the committee and the report is made. But there is a question which I would like to present to the constitutional lawyers of the Senate if they can throw any particular light on it, which seems to me to-day prevents my casting my vote for the exclusion of the nominee. In approaching the question to determine the reasons which should govern that vote perhaps I enter by the back door.

It seems to me that the fact that there are two votes to be cast, one for the possible exclusion which prevails by a majority vote and one for the expulsion, at a later date, which prevails by a two-thirds vote, shows that there must be a line of demarcation as to the considerations which can govern those two votes. If there is a line of demarcation of that kind I can not agree with the extremists of either side. I can not agree that there can be considered only the constitutional objections which are mentioned as to age, residence, and inhabitancy, for the reason, as stated by the Senator from Connecticut [Mr. BINGHAM] a while ago, that these matters can be reached by majority vote.

If these matters can be reached by majority vote, what are the matters which alone can be reached by a two-thirds vote? The only suggestion I can see in the debate that has taken place is that the qualifications of the Senator designate must be determined by the two-thirds vote. That means also that the qualifications do not necessarily confine themselves to age and residence, because there would be no need for the two-thirds vote unless the Senate were at liberty to go outside of age and residence and consider any kind of a qualification which it desires to make.

Therefore I say there is still a doubt in the minds not only of myself but of two or three of my colleagues who have discussed the matter as late as this afternoon, as to whether the difference in those votes, one requiring the larger number and the other requiring the smaller number, does not indicate that in this vote of exclusion we are limited to considering those matters which are prescribed by the Constitution and barred from those matters which may be qualifications to be applied by the Senate in the future—treason, if you like; contagious disease, if you like; or red hair. We can not quite see, in spite of the fact that some of us feel that this man should not be a member of the Senate, that we are not bound by the two methods of voting, one requiring a majority and the other a two-thirds vote, to limit any position we may take to those objections to the nominee which appear in the Constitution and on the face of the certificate.

In view of that situation, if there is any constitutional lawyer who can separate that question from the question at the bar of the Senate, I think the suggestion even at this late hour would be helpful to some of the Members of the Senate.

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN] to the amendment of the Senator from Missouri [Mr. REED], to wit: In lieu of the language proposed by the amendment of the Senator from Missouri insert:

That FRANK L. SMITH, of Illinois, duly appointed a Senator of that State by the governor thereof, is entitled to take the constitutional oath of office and be admitted as prima facie entitled to a seat without prejudice to any subsequent proceeding in the case.

Mr. WALSH of Montana. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	La Follette	Robinson, Ind.
Bayard	Frazier	Lenroot	Sackett
Bingham	George	McKellar	Schall
Blease	Gerry	McLean	Sheppard
Borah	Gillett	McNary	Shipstead
Bratton	Glass	Mayfield	Shortridge
Broussard	Goff	Means	Smith
Cameron	Gooding	Metcalf	Smoot
Capper	Gould	Neely	Steck
Caraway	Greene	Norbeck	Stephens
Copeland	Hale	Norris	Stewart
Couzens	Harris	Nye	Swanson
Curtis	Harrison	Oddie	Trammell
Dale	Hawes	Overman	Tyson
Deneen	Heflin	Pepper	Wadsworth
Dill	Johnson	Phipps	Walsh, Mass.
Edge	Jones, N. Mex.	Pine	Walsh, Mont.
Edwards	Jones, Wash.	Pittman	Warren
Ernst	Kendrick	Ransdell	Weller
Ferris	Keyes	Reed, Pa.	Wheeler
Fess	King	Robinson, Ark.	Willis

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The question is on the amendment proposed by the Senator from North Carolina [Mr. OVERMAN] to the amendment of the Senator from Missouri [Mr. REED].

Mr. OVERMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Oregon [Mr. STANFIELD] and vote "yea." If the Senator from Missouri were present, he would vote "nay," and if the Senator from Oregon were present, I understand he would vote "yea."

Mr. EDGE (when his name was called). Upon this question for the day I have a temporary pair with the junior Senator from South Dakota [Mr. MCMASTER]. If he were present, I understand he would vote "nay," and if I were permitted to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Delaware [Mr. DU PONT]. He is absent. The Senator from Maryland [Mr. BRUCE] is also absent by reason of illness. If present, the Senator from Maryland would vote as I intend to vote. I transfer my pair with the Senator from Delaware to the Senator from Maryland and vote "nay."

Mr. GILLETT (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. I have been unable to find any Senator to whom I may transfer that pair and I can not ascertain how the Senator from Alabama, if present, would vote. Therefore I must withhold my vote.

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague the junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness. He is paired with the junior Senator from Utah [Mr. KING]. My colleague, if present, on this amendment would vote "nay."

Mr. KING (when his name was called). As announced by the senior Senator from Nebraska [Mr. NORRIS], his colleague, the junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness. I have a pair with that Senator upon this vote. If he were present, he would vote "nay," and, if I were permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. BROUSSARD. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who has been called away. I am unable to secure a transfer of that pair and therefore withhold my vote. If the senior Senator from New Hampshire were present, he would vote "yea" and I should vote "nay."

Mr. EDGE. Mr. President, I now understand that I can transfer the pair I have with the junior Senator from South Dakota [Mr. MCMASTER] to the senior Senator from Indiana [Mr. WATSON], in which event I shall vote. I vote "yea."

Mr. HAWES. I desire to announce that my colleague, the senior Senator from Missouri [Mr. REED], is necessarily absent. If present, he would vote "nay."

Mr. JONES of Washington. I desire to announce that the Senator from Oklahoma [Mr. HARRELD] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

Mr. HEFLIN. I desire to announce that my colleague [Mr. UNDERWOOD] is necessarily detained from the Senate by illness.

The result was announced—yeas 33, nays 48, as follows:

YEAS—33

Bingham	Gooding	Oddie	Smith
Blease	Gould	Overman	Smoot
Borah	Greene	Pepper	Steck
Cameron	Hale	Phipps	Wadsworth
Curtis	Keyes	Pine	Warren
Deneen	Lenroot	Reed, Pa.	Weller
Edge	McLean	Sackett	
Ernst	Means	Schall	
Fess	Metcalf	Shortridge	

NAYS—48

Ashurst	Frazier	Kendrick	Robinson, Ind.
Bayard	George	La Follette	Sheppard
Bratton	Gerry	McKellar	Shipstead
Capper	Glass	McNary	Stephens
Caraway	Goff	Mayfield	Stewart
Copeland	Harris	Neely	Swanson
Couzens	Harrison	Norbeck	Trammell
Dale	Hawes	Norris	Tyson
Dill	Heflin	Nye	Walsh, Mass.
Edwards	Johnson	Pittman	Walsh, Mont.
Ferris	Jones, N. Mex.	Ransdell	Wheeler
Fletcher	Jones, Wash.	Robinson, Ark.	Willis

NOT VOTING—14

Broussard	Harreld	Moses	Underwood
Bruce	Howell	Reed, Mo.	Watson
du Pont	King	Simmons	
Gillett	McMaster	Stanfield	

So Mr. OVERMAN's amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. REED] in the nature of a substitute.

Mr. HARRISON. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same announcement that I made on the previous roll call, I withhold my vote.

Mr. CURTIS (when his name was called). Making the same announcement that I made on the previous roll call, I vote "nay."

Mr. EDGE (when his name was called). Making the same announcement that I made at the conclusion of the last roll call, I vote "nay."

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. GILLETT (when his name was called). I repeat the announcement made before as to my pair, and withhold my vote.

Mr. KING (when his name was called). As heretofore stated, I have a pair upon this question also with the junior Senator from Nebraska [Mr. HOWELL], who is absent on account of illness. If the Senator from Nebraska were present, he would vote "yea," and if I were at liberty to vote I should vote "nay."

The roll call was concluded.

The GOULD (after having voted in the affirmative). I voted under a misapprehension. I should have voted "nay." I ask to be recorded in the negative.

Mr. HARRISON. Mr. President, I did not catch what the Senator from Maine said.

The VICE PRESIDENT. The Senator said that he should have voted "nay." He changes his vote from "yea" to "nay."

Mr. JONES of Washington. I desire to announce that the Senator from Oklahoma [Mr. HARRELD] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

Mr. HEFLIN. I desire to announce that my colleague [Mr. UNDERWOOD] is necessarily detained from the Senate by illness.

Mr. HAWES. I wish to announce that my colleague [Mr. REED of Missouri] is necessarily absent. If present, he would vote "yea" on this amendment.

The result was announced—yeas 48, nays 33, as follows:

YEAS—48

Ashurst	Frazier	Kendrick	Robinson, Ind.
Bayard	George	La Follette	Sheppard
Bratton	Gerry	McKellar	Shipstead
Capper	Glass	McNary	Stephens
Caraway	Goff	Mayfield	Stewart
Copeland	Harris	Neely	Swanson
Couzens	Harrison	Norbeck	Trammell
Dale	Hawes	Norris	Tyson
Dill	Heflin	Nye	Walsh, Mass.
Edwards	Johnson	Pittman	Walsh, Mont.
Ferris	Jones, N. Mex.	Ransdell	Wheeler
Fletcher	Jones, Wash.	Robinson, Ark.	Willis

NAYS—33

Bingham	Gooding	Oddie	Smith
Blease	Gould	Overman	Smoot
Borah	Greene	Pepper	Steck
Cameron	Hale	Phipps	Wadsworth
Curtis	Keyes	Pine	Warren
Deneen	Lenroot	Reed, Pa.	Weller
Edge	McLean	Sackett	
Ernst	Means	Schall	
Fess	Metcalf	Shortridge	

NOT VOTING—14

Broussard	Harreld	Moses	Underwood
Bruce	Howell	Reed, Mo.	Watson
du Pont	King	Simmons	
Gillett	McMaster	Stanfield	

So the amendment of Mr. REED of Missouri, in the nature of a substitute, was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. ROBINSON of Arkansas. I move to strike out the preamble of the resolution (S. Res. 328) submitted by the Senator from Illinois [Mr. DENEEN].

The preamble was stricken out.

The resolution as agreed to is as follows:

Resolved, That the question of the prima facie right of FRANK L. SMITH to be sworn in as a Senator from the State of Illinois, as well as his final right to a seat as such Senator, be referred to the Committee on Privileges and Elections; and until such committee shall report upon and the Senate decide such question and right, the said FRANK L. SMITH shall not be sworn in or be permitted to occupy a seat in the Senate.

The said committee shall proceed promptly and report to the Senate at the earliest possible moment.

APPROPRIATIONS FOR TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN. I send to the desk the conference report on the Treasury and Post Office Departments appropriation bill, and ask to have it read.

The VICE PRESIDENT. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14557) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1928, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14 and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 8, 9, 10, 11, 18, 20, and 21, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,700,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "525 inspectors, $1,945,475"; in all, $2,012,975"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$479,085"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$172,400,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,100,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$122,200,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 7.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

MARTIN B. MADDEN,
WM. S. VARE,
JOSEPH W. BYRNS,
Managers on the part of the House.

Mr. WARREN. I move the adoption of the report.

Mr. JONES of Washington. Mr. President, can the chairman of the committee tell me what was done with reference to the amendment regarding ships and compensation for carrying the mails?

Mr. WARREN. The House conferees receded, and the Senate amendment stands as agreed to here.

Mr. REED of Pennsylvania. Will the Senator tell us what was done with the $400,000 increase in the allowance for customs employees?

Mr. WARREN. We were able to save only $200,000 out of the $400,000.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PUBLIC-SCHOOL LANDS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 564) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools, which was to strike out all after the enacting clause and insert:

That, subject to the provisions of subsections (a), (b), and (c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are hereby, extended to embrace numbered school sections mineral in character, unless land has been granted to and/or selected by and certified or approved, to any such State or States as indemnity or in lieu of any land so granted by numbered sections.

(a) That the grant of numbered mineral sections under this act shall be of the same effect as prior grants for the numbered nonmineral sections, and titles to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections.

(b) That the additional grant made by this act is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct, the proceeds of rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals disposed of contrary to the provisions of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(c) That any lands included within the limits of existing reservations of or by the United States, or specifically reserved for waterpower purposes, or included in any pending suit or proceedings in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such application, claim, or right is relinquished or canceled, and all lands in the Territory of Alaska, are excluded from the provisions of this act.

SEC. 2. That nothing herein contained is intended or shall be held or construed to increase, diminish, or affect the rights of States under grants other than for the support of common or public schools by numbered school sections in place, and this act shall not apply to indemnity or lieu selections or exchanges or the right hereafter to select indemnity for numbered school sections in place lost to the State under the provisions of this or other acts, and all existing laws governing such grants and indemnity or lieu selections and exchanges are hereby continued in full force and effect.

Mr. JONES of New Mexico. Mr. President, this is a bill which relates to certain school sections in the public-land States. It originally passed the Senate, and it has recently passed the House with an amendment. The amendment made by the House is acceptable to the representatives from the particular States interested. I therefore ask unanimous consent for the present consideration of the measure, and that the Senate concur in the amendment of the House.

The VICE PRESIDENT. Is there objection? The Chair hears none; and, without objection, the amendment is concurred in.

COURT OF CLAIMS FINDINGS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1857) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, which was, on page 3, line 2, to strike out "20" and insert "10."

Mr. NORRIS. I move the Senate concur in the amendment of the House.

The motion was agreed to.

THE BUREAU OF MINES

Mr. ODDIE. Mr. President, a few days ago I introduced the bill (S. 5329) to authorize increased appropriations for the Bureau of Mines. As a practical mining man I have for some time been convinced that the output of this important bureau was being very much hampered and reduced by reason of a lack of funds necessary for its efficient functioning. This is due to no fault of those in charge of the bureau's work. They are splendid men, thoroughly equipped to perform their duties. I can not speak in too high terms of them.

As showing the nature and importance of the work for which the additional appropriations in my bill are needed, I have prepared a memorandum which I desire to have inserted in the RECORD, with the bill, for use in connection with the request I shall make of the Appropriations Committee and the Senate when the appropriations for the Department of Commerce for the next fiscal year are being considered.

The VICE PRESIDENT. Is there objection?

Mr. KING. What is the request?

The VICE PRESIDENT. To include in the RECORD certain remarks.

Mr. ODDIE. A statement I have made regarding these additions which I am requesting.

Mr. KING. I have no objection.

The VICE PRESIDENT. Without objection, permission will be granted.

The matter referred to by Mr. ODDIE is as follows:

[S. 5329, 69th Cong., 2d sess.]

A bill to authorize increased appropriations for the United States Bureau of Mines, and for other purposes

Be it enacted, etc., That the following sums are hereby authorized to be appropriated for the Department of Commerce for use by the Bureau of Mines of said department, from any money in the Treasury not otherwise appropriated, in addition to the appropriations recom-

mended in the message of the President of the United States, transmitting the Budget for the service of the fiscal year ending June 30, 1928: For mineral mining investigations, $25,000; for promoting mineral commerce, $40,000; for operating mine rescue cars and stations, $55,500; and for investigating mine accidents, $35,000.

Under the item in the Department of Commerce Appropriation bill entitled "Mineral mining investigations" I suggest the following:

INVESTIGATIONS OF GEOPHYSICAL METHODS OF PROSPECTING

A century of surface prospecting throughout the mineral areas of the United States has resulted in the discovery of practically all mineral deposits which can be readily found by this method.

While known reserves are being rapidly depleted, the search for new deposits is becoming increasingly difficult, and a pressing need has arisen for the development of reliable methods of subsurface prospecting whereby mineral deposits which undoubtedly exist, concealed by rock, soil, or other covering, may be found.

Studies of the physical characteristics of rocks and mineral bodies with regard to their capacities to transmit, refract, or reflect various forms of energy have resulted in the development of many methods and devices, based on gravitational, magnetic, seismic, electrical, radioactive, geothermal, and other phenomena, purporting to indicate the presence of hidden mineral bodies. Much investigative work has been done looking toward the commercial application of these various methods and devices to the finding of ore and oil, and some successes have been recorded; but such work is largely in the hands of engineers interested in promoting the use of some particular device, and no broad study of the fundamental principles underlying all such methods has been undertaken. Such a study could only be undertaken by a disinterested central agency, by which the various methods and devices could be impartially investigated, the practicability and particular field of usefulness of each determined, and an unbiased report made generally available to the mining industry.

An investigation of this nature should logically be undertaken by the Bureau of Mines. Engineers of the bureau have followed the developments in this field with the greatest interest, but the bureau has been prevented by lack of funds from undertaking the broad study which would be required in order to render this much-needed service to the industry.

An appropriation of $25,000 a year is required, and a five-year program should be provided for to enable the Bureau of Mines to make an exhaustive study of geophysical methods as applied to the finding of ore and oil and to publish a report of these investigations which will make available to the mining industry reliable information regarding the practicability and usefulness of such methods.

Under the item in the Department of Commerce appropriation bill entitled "Promoting mineral commerce" I call attention to the need for—

ECONOMIC STUDIES OF SILVER, GOLD, AND IRON

The economics branch of the Bureau of Mines was established for the purpose of rendering to the mining industry a comprehensive economic service, which should include the collection and publication of reliable statistics of production, consumption, foreign and domestic stocks, and information regarding market trends, movement of stocks, etc., of the mineral commodities.

A skeleton organization was provided by the transfer of statistical units from the Geological Survey and the Bureau of Foreign and Domestic Commerce and their amalgamation with the old statistical units of the Bureau of Mines. This skeleton organization can continue to furnish collectively about the same sort of statistical information that the various units have been turning out individually in the past, but if the broader service contemplated is to be given a considerable increase in personnel is required.

The increase of $30,000 granted by the Budget Bureau for 1928 is entirely inadequate to provide complete service for more than two or three of the principal commodities and will be entirely absorbed by copper, lead, and zinc.

Such a service is equally important to the silver, gold, and iron mining industries, but in order to extend the service to these commodities an additional appropriation will be required. Ten thousand dollars each are needed for silver and gold and $20,000 for iron. With these additional sums, the personnel engaged in the study of these commodities can be sufficiently augmented to make possible a comprehensive service.

I will make some further brief statements of interest regarding these metals:

GOLD

The technology of gold has received a great deal of attention from private and public agencies, but the economics of gold, like that of silver, have received far less attention except in respect to the uses of gold as a base of monetary systems. Gold mining in this country has received a pronounced setback through the relative depreciation in the value of this metal, caused by the general rise of prices while the price of gold has remained fixed. Under these circumstances there is an urgent demand from the metal industry affected by gold production for informative economic studies upon which operations in the future may be based.

Any study of the world economics of gold conducted by individuals or companies could not command such sources of information as are available to the several branches of the Federal Government; and such studies, if accomplished by private parties, are seldom regarded as authoritative and impartial. The results, moreover, are usually rendered available only to a limited number of those who are in need of the information obtained, though all such information should be made available to the general public.

It is believed that such an investigation should be conducted by the Bureau of Mines because it already possesses access to many sources of information and has organizational facilities for pursuing such studies effectively.

An appropriation of $10,000 is asked for the conduct of such an investigation covering the world situation in gold.

SILVER

The economic conditions determining the future prospects of silver have been rendered exceedingly obscure by the possibility of demonetization of silver in India, and this is a cause of great anxiety not only to industries primarily concerned with the production and use of silver but to other industries as well into which silver enters as an important though minor factor. This is particularly the case with the copper industry, now confronted with exceedingly grave problems of its own by reason of impending competition of Katanga copper with American copper. The importance of silver as a by-product of copper production is out of all proportion to its amount, because much of the American production is made possible in part by the incidental recovery of silver and gold as by-products of copper mining. Thorough knowledge of the current economics of silver is therefore a matter of great moment to both silver and copper producers.

Any study of the world economics of silver conducted by individuals or companies could not command such sources of information as are available to the several branches of the Federal Government; and such studies, if accomplished by private parties, are seldom regarded as authoritative and impartial. The results, moreover, are usually rendered available only to a limited number of those who are in need of the information obtained, though all such information should be made available to the general public.

It is believed that such an investigation should be conducted by the Bureau of Mines because it already possesses access to many sources of information and has organizational facilities for pursuing such studies.

An appropriation of $10,000 is asked for the conduct of such an investigation covering the world situation in silver.

IRON

There are many directions in which the iron and steel industry of the United States is constantly seeking information as to economic factors affecting the prosperity of the industry; but individual companies or corporations often meet difficulties in obtaining such information because it must be obtained, if at all, from competitors, who are frequently unwilling to aid in studies, the benefits of which they will not share. This is true especially in respect to all matters pertaining to the very important field of alloy steels and the development of new markets.

For such studies the Federal Government has facilities for obtaining information through its various agencies which can not be matched by single units of the industry, or, for that matter, by the industry as a whole. Numerous requests received by the Bureau of Mines for economic information, which can be gained only through the organized collection and interpretation of data, render it desirable that such studies should be undertaken as soon as practicable.

An appropriation of $20,000 is, therefore, requested for the purpose of making an economic study of iron and steel.

Under the item in the Department of Commerce appropriation bill entitled "Operating mine rescue cars and stations," I will comment briefly on my proposed—

SUPPLEMENTARY ESTIMATE

The following material is most urgently needed:

"Replacing of mine rescue cars: One mine rescue car, estimated to cost $45,000, to replace car 3, which was an old car purchased from the Pullman Co. in the fall of 1910, built prior to 1880. This car is of wooden construction and is now so old it is not safe to send on a forced trip. In case of disaster a mine rescue car should be sent from the nearest point by the most rapid method possible, often by special locomotive. The cars, therefore, must be able to stand a forced journey. Car 3 does not meet the general railroad standards for fast-train service, and for this reason some of the railroads refuse to handle car 3 at all.

"Replacing of obsolete self-contained oxygen-breathing apparatus: As each car was bought or mine-rescue station established it was equipped with self-contained oxygen-breathing apparatus of the best types then available. It has not been possible, however, to take out of

the operating expenses of the safety division sufficient amounts to replace all of this equipment as fast as newer types became available. Some of the cars are now equipped with oxygen-breathing apparatus that do not pass the permissible tests of the bureau and are not recommended by the bureau. The estimated cost of replacing approximately 50 sets of such equipment now in use is $10,500.

"From a safety standpoint, as well as from an educational one, it is advisable that this equipment be replaced at as early a date as possible."

Under the item in the Department of Commerce appropriation bill, entitled "Investigating mine accidents," I suggest as justification for the increase I have proposed the following:

TESTING ELECTRICAL EQUIPMENT FOR PERMISSIBILITY

Testing for permissibility of electrical equipment designed for underground use in gassy or dusty coal mines is one of the most important services performed by the Bureau of Mines. It has a very direct bearing on the prevention of mine explosions and is a great aid in the furtherance of the safety work of the bureau.

With the growing knowledge of the causes of mine explosions, and recognition of the fact that poorly designed electrical equipment introduces a very real hazard in gassy mines, the demand for permissible equipment is constantly increasing. The number of machines and devices submitted to the bureau by equipment manufacturers for testing and approval is steadily growing.

It is important that men be kept in the field to study electrical hazards in mines and confer with operators regarding the removal of such hazards, but it has been found necessary to call in all field men to assist in the work of testing equipment for permissibility. The personnel is still inadequate to keep the work current and an increase is urgently needed.

Fifteen thousand dollars is required for the employment of additional personnel to assist in the testing laboratory at Pittsburgh and for field work in the study of electrical hazards in mines, and to provide for necessary traveling expenses.

INVESTIGATING EXPLOSIVES USED IN METAL MINING AND QUARRYING

There is a great and growing need for investigating and testing explosives to determine their safety, suitability for use in metal mines and quarries, but it has not been possible to carry on this work because of lack of personnel and equipment which has had to be devoted to developing safe explosives for coal mines.

Many accidents such as misfires occur in metal mines and quarries in the use of explosives and instances occur of asphyxiation in mines from gases due to explosives. The number of such accidents would be greatly lessened if suitable types were developed and used. To this end it is proposed to determine the explosive properties of the various types of explosives used in metal mines and quarries with a view to betterment of these explosives and to enable the miner to choose the explosive best suited to his work.

To carry on this investigation it will be necessary to increase the personnel of the present explosives division and provide some additional equipment and apparatus. An appropriation will be required during the coming fiscal year of $10,000.

FALLS OF ROOF IN COAL AND METAL MINES

The popular idea is that explosions constitute the main hazard in coal mining when, as a matter of fact, explosions cover but about 12 per cent of the fatalities in coal mining in this country. The most prolific source of coal-mine fatalities by far is that of falls of roof and coal; in fact approximately 50 per cent of all of those killed in our coal mines is due to the one cause of falls of roof and coal, and during the period from 1915 to 1924, inclusive, out of a total of 23,186 fatalities in coal mines of the United States 11,053 were due to falls of roof and coal, and in the year 1925 out of a total of 2,230 fatalities 1,078 were due to this one cause. Annually for a considerable number of years out of the approximately 750,000 coal miners more than 1,000 have been killed from this one cause. Unfortunately neither the number per year nor the relative percentage of total fatalities as to this cause has been lowered, and in spite of the safety campaigns which have been instituted this one cause of accidents apparently is the least amenable up to date of anything like reasonable control. During the 10-year period 1915 to 1924, in which 11,053 were killed by falls of roof and coal in our coal mines, in but one of these accidents were there more than 5 persons killed, and, in general, fatalities from this cause come one at a time. In other words it is a sniping process. Every person who goes underground is subjected to the danger of being killed from this particular cause and while there are parts of mines in which the danger is the greater, on the other hand there is practically no part of most coal mines in which the danger does not exist.

There is a very general lack of uniformity of opinion among mining men as to the cause of falls and as to the correct preventive measures and this lack of uniformity extends to the old-time experienced miner as well as to the technically trained engineer or observer. On account of this great diversity of opinion as to the subject and on account of the very large number of fatalities annually from this source of accident, there is a decided need for competent study of the entire subject, and in view of the fact that the scope is country wide, the matter can not be handled unless a considerable number of persons are assigned to it or unless a considerable length of time is taken by a few.

An appropriation of not less than $10,000 should be made for investigating this major source of injuries and deaths in the mining industry.

LAND AT BATTERY COVE, NEAR ALEXANDRIA, VA.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably with a slight amendment House bill 11615, and I submit a report (No. 1275) thereon. This is a local bill in its effect, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The LEGISLATIVE CLERK. A bill (H. R. 11615) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and for the sale thereof by the Secretary of War.

Mr. ROBINSON of Arkansas. I have no objection.

Mr. WADSWORTH. It is reported with the approval of the department, with one amendment.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment was, on page 1, line 10, after the word "less," to strike out all down to and including the word "river" on line 3, page 2, so as to make the bill read:

Be it enacted, etc., That all that part of the territory of the District of Columbia situated on the Virginia side of the Potomac River at Alexandria, Va., lying and being between a line drawn from Jones Point, at low-water mark, to Point Lumley, now Pioneer Mills, at low-water mark, and high-water mark on the Virginia shore of the Potomac River at Alexandria, containing an area of 46.57 acres of made land, more or less, be, and the same is hereby, ceded to and declared to be within the territorial boundaries, jurisdiction, and sovereignty of the State of Virginia: *Provided, however,* That this act shall not be construed to waive or relinquish the title of the United States to the fee of the 46.57 acres of made land in Battery Cove, nor as relinquishing or in any manner affecting the power of Congress to exercise exclusive legislation over the said area so long as the same remains in the ownership and possession of the United States: *And provided further,* That this act shall not be construed to affect, impair, surrender, waive, or defeat any claim, right, or remedy, either at law or in equity, of the United States against the Virginia Shipbuilding Corporation for or on account of any debt or obligation of said company to the United States, or that hereafter may be ascertained to be due by said company to the United States, by any court of competent jurisdiction of the parties and of the subject matter in any suit now pending or that may hereafter be instituted by the United States against the Virginia Shipbuilding Corporation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 21, 1927, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 20, 1927*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we thank Thee for the greatness of Thy love, for the pity of Thy heart, and for the strength of Thy grace; therefore, we praise Thee and acknowledge Thee to be our everlasting Father. The might of Thy hand upholds the walls of the world; the heavens and the earth record the presence of Thy glory. Do Thou interpret to us our own necessities and make us to see great things out of Thy law. Bless us with the riches of life, with its vast outlooks and its wondrous joys. We pray in the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE HON. CHARLES E. FULLER

Mr. MADDEN. Mr. Speaker, I present an order and ask for its present consideration.

The SPEAKER. The gentleman from Illinois presents an order which the Clerk will report, and asks unanimous consent for its present consideration.

The Clerk read as follows:

Ordered, That Sunday, the 6th day of February, at 11 o'clock, be set apart for addresses on the life, character, and public services of Hon. CHARLES E. FULLER, late a Member of this House, from the State of Illinois.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The order was agreed to.

THE LATE HON. WILLIAM B. M'KINLEY

Mr. MADDEN. Mr. Speaker, I submit another order and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Illinois offers an order, which the Clerk will report, and asks for its present consideration.

The Clerk read as follows:

Ordered, That Sunday, the 6th day of February, at 11 o'clock, be set apart for addresses on the life, character, and public services of Hon. WILLIAM B. MCKINLEY, late a Senator from the State of Illinois.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The order was agreed to.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bill:

H. R. 7555. An act to authorize for the fiscal years ending June 30, 1928, and June 30, 1929, appropriations for carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921.

BRANCH BANKING

Mr. GARRETT of Tennessee. Mr. Speaker, I should like to inquire if the so-called McFadden bill has been printed with the Senate amendments?

The SPEAKER. The Chair assumes it has been printed, because it was ordered printed yesterday.

Mr. GARRETT of Tennessee. That was the conference report. I had reference to the House bill with the Senate amendments as they now appear.

The SPEAKER. The Chair does not know, but will investigate the matter.

Mr. GARRETT of Tennessee. I ask unanimous consent, Mr. Speaker, if it be found that the House bill with the Senate amendments has not been printed, that there may be a print of it for use of Members on Monday.

The SPEAKER. The Chair is advised it has been printed, but will submit the suggestion of the gentleman from Tennessee. The gentleman from Tennessee asks unanimous consent, if there are not a sufficient number of prints of the McFadden bill with the Senate amendment, that a reprint be ordered. Is there objection?

There was no objection.

The SPEAKER. Pursuant to the order of the House, the Chair recognizes the gentleman from New York [Mr. LAGUARDIA] for 20 minutes.

PROHIBITION ENFORCEMENT

Mr. LAGUARDIA. Mr. Speaker, I believe that it is part of our official duties to see to it that funds appropriated by Congress are properly and lawfully expended by the executive departments. I also believe Congress has the right to call upon any head of an executive department for information, and that when information is asked for by a Member of Congress he is entitled to that information unless it should conflict with the public interest. When information is called for from the Treasury Department, that is one department that can not refuse to give it on the ground it conflicts with the public interest.

The Treasury Department does not stand on the same footing with other executive departments, because by the very act by which it was created it is the agency of Congress, and naturally so under our system of government, where Congress absolutely controls the finances of the Government. I insist that when information is given by an executive department in reply to a resolution it should contain the truth.

I charged here, a few days ago, that the United States Government, through its agents, designated as undercover men, was violating the law in the city of New York in that they unlawfully operated a club known as the Bridge Whist Club, where liquor was unlawfully purchased and sold; that United States agents unlawfully purchased liquor, caused the unlawful transportation of liquor, and unlawfully sold liquor over a bar for six months.

I now add to those charges, and I charge that the United States Government, through its agents, unlawfully operated a poolroom on Chapel Street, in Norfolk, Va., and unlawfully sold liquor there through its undercover agents.

I now charge that the United States Government, through its agents, unlawfully operated a distillery at Elizabeth City, in North Carolina, purchased and operated by Government agents with Government funds, and sold liquor there.

Now, gentlemen, in response to my resolution, House Resolution 352——

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment, please. My resolution is as follows. I will read it:

[H. Res. 352, 69th Cong., 2d sess.]

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the House with the following information:

1. Is Ralph W. Bickle an employee of the United States, the Treasury Department, or any bureau thereof?

2. Was any money, out of public funds, advanced or paid to the said Ralph W. Bickle for the procurement of evidence for violation of the prohibition law?

3. Was any money, out of public funds, advanced or spent for the leasing of premises in the city of New York, at No. 14 East Forty-fourth Street, or in the vicinity of Fifth Avenue and Forty-fourth Street, known as the Bridge Whist Club?

4. Is A. Bruce Bielaski an employee of the United States, the Treasury Department, or any bureau thereof?

5. Was any money, out of public funds, advanced or paid to the said A. Bruce Bielaski for the payment of rent for said premises at No. 16 East Forty-fourth Street, or in the vicinity of Fifth Avenue and Forty-fourth Street, in the city of New York, known as the Bridge Whist Club?

6. How much money of public funds was spent in connection with the said Bridge Whist Club in the city of New York, and by whom was this money disbursed?

7. How much money has been paid to A. Bruce Bielaski, of New York City, during the last 18 months?

8. What services did the said A. Bruce Bielaski render for moneys heretofore paid to him?

9. What services did Ralph W. Bickle render for any money paid by the Treasury Department to him?

10. Was the Secretary of the Treasury informed by any of his subordinates, or by any other person, that premises in the city of New York in the vicinity of Fifth Avenue and Forty-fourth Street, known as the Bridge Whist Club, was operating in violation of law in that it purchased, sold, and traded in liquor, and that the rent for said premises and the purchase of the liquor was paid from public funds?

11. What disposition was made of proceeds derived from the unlawful sale of liquor at the said Bridge Whist Club during the time that it was operated by said A. Bruce Bielaski, Ralph W. Bickle, or any other agent, employee, or special agent of the Treasury Department or by any other person during the time that the rent for said premises was paid from public funds, liquor purchased from public funds, or public funds used in any manner to operate said place?

12. What disposition was made of the proceeds of the sale of said Bridge Whist Club—its furniture, fixtures, and lease?

On January 7, 1927, in House Report 1691—and I am glad to see some of the members of the Judiciary Committee here—the Secretary of the Treasury submitted a letter to the Committee on the Judiciary of the House, affixed to which is what purports to be the signature of A. W. Mellon, Secretary of the Treasury, in which he admitted that the Bridge Whist Club was operated by the Government with Government funds and in which he admitted that liquor was unlawfully sold.

Mr. HERSEY. Will the gentleman yield?

Mr. LAGUARDIA. Just as soon as I finish this statement.

In reply to my inquiry as to what became of the funds from the unlawful sale of liquor and what became of the funds from the sale of the Bridge Whist Club, which was sold for $5,000, he stated——

Mr. HERSEY. Will the gentleman read the letter as a part of his remarks, just as it was given to us?

Mr. LAGUARDIA. Certainly. He stated—now get this, please—

All of the accounts of the Treasury, including the so-called "undercover fund," are audited by the Comptroller General of the United States, and so also—

Please get this, gentlemen—

and so also the disposition of the proceeds of the sale of the Bridge and Whist Club is subject to the comptroller's audit.

Mr. WELLER. Will the gentleman yield?
Mr. LaGUARDIA. In a few moments.
Mr. HERSEY. The gentleman will insert the entire letter?
Mr. LaGUARDIA. Yes. Mr. Speaker, I ask unanimous consent to extend my remarks.
The SPEAKER. Without objection, the request is granted.
Mr. LaGUARDIA. Here is the entire letter:

WASHINGTON, *January 6, 1927.*

Hon. GEO. S. GRAHAM,
Chairman Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I have your letter of January 4, inclosing a copy of H. R. 352, presented by Mr. LaGUARDIA, and which asks me certain questions in regard to prohibition enforcement. In general, the first five questions can be answered in the affirmative and the tenth question in the negative. To go into the details of the other questions would involve laying open to the violators of the prohibition act details as to the means used by the Treasury in obtaining evidence of law violations, a showing which I do not believe would be compatible with the public interest. All of the accounts of the Treasury, including the so-called "undercover fund," are audited by the Comptroller General of the United States, and so also the disposition of the proceeds of the sale of the Bridge and Whist Club is subject to the comptroller's audit. It has been the effort of the Treasury, in pursuance of its duties of enforcing the prohibition law, to discover and assist in the prosecution of large conspiracies in violation of law. The work of Mr. Bielaski has been exceedingly fruitful. Through him many large cases have been brought to trial and convictions had. The Dwyer case, resulting in the conviction of William W. Dwyer and his principal lieutenants, is an instance of Mr. Bielaski's "undercover work." The case now on trial in New York against the Costello-Kelly rum ring is another.

Very truly yours,
A. W. MELLON,
Secretary of the Treasury.

I desire to point out and emphasize that the Secretary of the Treasury in his letter left the impression and conveyed the thought that all expenses and all income from the operation of the Bridge Whist Club were contained in proper itemized vouchers subject to the audit of the Comptroller General. Does he not specifically state that the operation expense of the speak-easy and the income derived from the unlawful sale of liquor is all subject to the audit of the Comptroller General? He certainly does. Gentlemen, that statement in the Secretary's letter to the Committee on the Judiciary is not correct. Some one seemingly has put it over on the Secretary of the Treasury. First you will note in his letter replying to House Resolution 352 he is careful to answer my tenth question in the negative. That question asked whether the Secretary of the Treasury had personal knowledge that the United States Government was conducting a speak-easy and unlawfully selling liquor? I wonder where the Secretary got the information to answer the balance of the questions in my resolution, and when he got the information. As to the financing of the unlawful enterprise, seemingly some undercover man tried to cover up, but made a very poor job of it. Now, just listen to what the Comptroller General says:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 19, 1927.

Hon. F. H. LaGUARDIA,
House of Representatives.

MY DEAR MR. LaGUARDIA: With reference to your telephonic conversation with my office this morning about a request previously made by you for detailed information of expenditures made by the prohibition enforcement officers of the Treasury Department for the operation of the Bridge Whist Club at 14 East Forty-fourth Street, New York City, you are advised that the accounts of such officers have been closely examined and there has not been found payments of the character indicated by you, and there appears no record of deposit of either revenue derived from the operation of such place or proceeds of sale thereof. It might be stated, however, that the accounts as rendered are not in such detail as to show whether or not funds expended may have been used for purposes such as those you mention.

This office has requested from the Treasury Department more detailed information as to these expenditures, which will be for consideration before the items are passed in the disbursing officer's accounts.

I regret I am not now able to give you the exact information you desire.

Cordially yours,
J. R. McCARL,
Comptroller General of the United States.

So when the Secretary of the Treasury was induced to write that letter I told the committee that the receipts of this speak-easy had been submitted to the Comptroller General for audit, he was in error. That is not correct information. Comptroller General McCarl has no details in his vouchers. All the Comptroller General has are vouchers for lump sums marked "paid for information."

Last May I introduced House Resolution 255 seeking information concerning the activities and relations with the department of the Howell & King Brewery, located in Pittston, Luzerne County, Pa. At that time I charged and stated on the floor of the House that this brewery had been found guilty of violating the prohibition laws so many times that its fines and penalties aggregated $269,000. At that time I charged—and it has not been denied—that Senator Joyce, of Pennsylvania, a powerful politician, had come out in support of the Mellon candidates in the Pennsylvania primary running on the so-called "dry ticket"; that negotiations were then pending; and that the Howell-King Brewery had a gentleman's agreement to settle the $269,000 fines for $10,000. Some of my colleagues will remember that I then stated that the brewery was running full blast and that real, honest-to-goodness high-powered beer was flowing from the vats as fast as the law of gravitation would permit. The Treasury Department then stated that it could not give all of the information asked for in my resolution, and in reply to a second resolution introduced by me—House Resolution 274—it stated—and I am reading from report No. 1373, Treasury Department's letter June 3, 1926:

In regard to questions 5 and 9 it may be stated that no compromise has been made with the Howell & King Brewery Co.

That left the impression that no settlement had been made; yet, a few days later, when Mr. Britt appeared before the Committee on Alcoholic Liquor Traffic—and I want to say that Mr. Britt is counsel to the Prohibition Unit of the department, a sincere dry, clean and honest—he testified that negotiations were carried on with the Howell-King Brewery and that the figure of $10,000 was considered in settlement. Of course, it was not accepted and the deal did not go through after my resolution and the exposures which I made on the floor of the House.

Now, in December and January, in the belief, no doubt, that some of us had forgotten about it or were engaged looking after the unlawful resorts operated by the department, negotiations were resumed, the brewery is installing new equipment, and it is proposed, if it has not already been accepted, to give the brewery a clean bill of health, wipe out $269,000 accrued fines and penalties for violation of the law, take $20,000 in settlement thereof, close both eyes, and let the brewery violate the law to its heart's content. On January 10, 1927, I introduced House Resolution 369 again asking the department about the Howell-King Brewery, but the chairman of the Committee on the Judiciary reports unfavorably on the resolution and gives no information, but through his report takes away the privileged status of my resolution. Of course, the Secretary of the Treasury can not answer those questions. He dare not answer them. I charge and repeat that he dare not give Congress and the country all of the information of the Howell-King Brewery. But I serve notice on the Department of the Treasury, on the Committee on the Judiciary that if the department refuses to give information, or if the committee seeks to block my getting the information from the department, I will find a way to bring the facts to the membership of the House and bring these disgraceful conditions to the attention of the country.

Not only in New York is the Government operating speak-easies, but in Norfolk, Va., undercover men representing the United States Government were permitted to sink so low as to operate a pool room on Chapel Street of that city; the purpose was not only to unlawfully sell liquor daily but to entice police officers of the city and get them there so they could control these police officers. Then they moved a little way from Norfolk and opened a distillery at Elizabeth City, N. C. That is public business. Congress is entitled to know to what extent the Government is engaging in the operation of unlawful distilleries. We want to know just how many pool rooms and dives the Government is operating. We want to know how money is being spent for these unlawful purposes; yet the Secretary of the Treasury gets the chairman of the Committee on the Judiciary to report unfavorable on these resolutions. If he thinks that is going to keep me from giving the country the information which I have, he is sorely mistaken.

The undercover system has created such a situation in a few months that high officials are at the mercy of these undercover men. No one dare move. The undercover system has got the Treasury Department at its mercy and stalemated. I asked for the dismissal of Chester P. Mills on charges that I have filed. Mr. Andrews dare not dismiss Mr. Mills, because if he does Mr. Mills may bring certain cases to trial that Mr. Andrews does not want tried. Mr. Mills dare not dismiss Mr. Bruce Bielaski, because if he does Mr. Bielaski may use some

of the undercover information which he obtained which may be very unpleasant for Mr. Mills.

Let me read my resolution on the Norfolk pool room and the Elizabethtown distillery:

[H. Res. 374, 69th Cong., 2d sess.]

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the House with the following information:

1. Is L. D. Mayme an employee of the United States, the Treasury Department, or any bureau thereof?

2. Was any money, out of public funds, advanced or paid to the said L. D. Mayme for the procurement of evidence for violation of the prohibition law?

3. Was any money, out of public funds, advanced or spent for the leasing of premises in the city of Norfolk, Va., on Chapel Street or any other street in Norfolk, Va., and operated as a pool room?

4. Is M. H. Blood an employee of the United States, the Treasury Department, or any bureau thereof?

5. Was any money, out of public funds, advanced or paid to the said M. H. Blood or L. D. Mayme for the payment of rent for said premises on Chapel Street or any other street in the city of Norfolk, Va., operated as a pool room?

6. How much money of public funds was spent in connection with the said pool room on Chapel Street or any other street in the city of Norfolk, Va.?

7. Was the Secretary of the Treasury informed by any of his subordinates, or by any other person, that the pool room on Chapel Street, or any other street in Norfolk, Va., was operating in violation of law in that it purchased, sold, and traded in liquor, and that the rent for said premises and the purchase of the liquor was paid from public funds?

8. What disposition was made of proceeds derived from the unlawful sale of liquor at the said pool room on Chapel Street or any other street in the city of Norfolk, Va., during the time that it was operated by said L. D. Mayme, M. H. Blood, or any other agent, employees, or special agent of the Treasury Department or by any other person during the time that the rent for said premises was paid from public funds, liquor purchased from public funds, or public funds used in any manner to operate said place?

9. What disposition was made of the proceeds of the sale of said pool room, its furniture, fixtures, and lease?

10. Was any money, out of public funds, advanced or spent for the leasing of premises in the vicinity of Elizabeth City, in the State of North Carolina, for the purpose of operating a distillery?

11. Was any money, out of public funds, advanced or spent for the purpose of purchasing utensils and equipment for a distillery in or near Elizabeth City, N. C.?

12. How much money of public funds was spent in connection with the said distillery in or near Elizabeth City, N. C., and by whom was this money disbursed?

13. Was the Secretary of the Treasury informed by any of his subordinates, or by any other person, that premises in or near Elizabeth City, N. C., was operating in violation of law in that it unlawfully manufactured and sold liquor or alcohol and that the rent for said premises, equipment, and operation of said distillery were paid from public funds?

14. What disposition was made of proceeds derived from the unlawful manufacture and sale of liquor or alcohol in said distillery located in or near Elizabeth City, N. C.?

15. What disposition was made of the proceeds of the sale of said distillery, its furniture, fixtures, and equipment?

To this resolution the department has used the Committee on the Judiciary to be relieved of giving the information. The Secretary knows that every word of what I said about the Elizabeth City distillery and the Norfolk pool room is true. There is no doubt that liquor was unlawfully sold by the Government there in these places. Their own men have so testified in court. If it were not true, gentlemen, you all know how quick the department would have replied to my resolution denying these facts. They deny what they think is not of record. These facts are of record, and they can not deny them. But if they think, as I said before, that because they refuse to answer a resolution of Congress they can hush up their unlawful activities, they are sorely mistaken, as far as I am concerned. They are ashamed to inform Congress and the people of the country of the things they are doing under the guise of law enforcement.

I know now that the Treasury Department is preparing a good supply of whitewash and expects to give three or four coats, but even that is not enough for Mr. Bielaski and Mr. Mills. I have filed specific charges. Most of the matters contained in my charges are matters of record. Yet the plan is to brush them aside. Mr. Andrews sneered at the charges when asked about them and stated that anyone who complained of the system or anyone who brought charges was seeking to hamper the proper enforcement of the law. Every man in this House knows that I have never assumed that attitude, and I say that whoever said that in doing my duty as a legislator, in bringing these abuses and misuse of public funds, in bringing these outrageous violations of law committed by Government agents to public attention, says that I am seeking to hamper the enforcement of the law is a plain, everyday, ordinary, unmitigated prevaricator. I can not use the more appropriate and shorter word, as the rules of the House do not permit it. You all know what I mean.

I filed charges against these officials. I have even brought the matter to the attention of the United States district attorney in New York City, because there has been a flagrant and vicious violation of the law.

Mr. HERSEY. I understand the gentleman's charges are against one Mills, of New York?

Mr. LAGUARDIA. Yes. I filed charges against Mr. Mills, and I want to read them to you.

I charge:

1. That large quantities of denatured or industrial alcohol has been diverted in the territory under the jurisdiction of Chester P. Mills. I charge that only gross incompetency or connivance would have made possible such diversion. The number of persons or companies holding Government permits to withdraw denatured alcohol are matters of record in said administrator's office and under his control and supervision. Ordinary prudence, intelligence, and knowledge of conditions should have detected the leakage by proper follow-up system of the quantity of denatured alcohol withdrawn and amount of products manufactured therefrom. Such products can be easily followed with the available force and personnel to establish beyond doubt the proper use of said poison alcohol. All of this the said Chester P. Mills utterly failed to do.

2. Utter lack of discretion in arbitrarily rescinding permits of reputable firms and persons who on going to court have had their permits reinstated on proper showing of the proper use of denatured alcohol, while firms and permittees guilty of diversion have been left unmolested by the said Chester P. Mills, with the resulting diversion of poison alcohol. Delinquent permittees have not been investigated and their permits continued, while reputable permittees have been molested and have been compelled to resort to court proceedings to protect their rights. This shows lack of discretion, knowledge of conditions, and discernment, all inconsistent with the proper administration of the law and the protection of life.

3. That the said Chester P. Mills has violated section 332 of chapter 321, An act to codify, revise, and amend the penal law of the United States, approved March 4, 1909 (S. 2982, Public, No. 350), in that he has aided, abetted, counseled, commanded, induced, or procured the commission of crime, particularly he has aided, abetted, counseled, commanded, induced, or procured, together with one Bruce Bielaski and one Ralph W. Bickle, the purchase of unlawful liquor and the unlawful transportation thereof, followed by the constant and daily unlawful retail sale of said liquor at 14 East Forty-fourth Street, in the borough of Manhattan, city of New York, from the 15th day of October, 1925, to the 13th day of May, 1926.

4. That the said Chester P. Mills also aided, abetted, counseled, commanded, induced, or procured, together with one A. Bruce Bielaski, the commission of crime in the unlawful sale of liquor at a place known as the Barrymore Club, in the city of New York.

5. That the said Chester P. Mills has employed and reemployed persons in his service who under the laws of the United States are not eligible to appointment or fit to hold public office, and thereby has demoralized the morale of the personnel and impaired its efficiency, in that he, together with one Bruce Bielaski, consented to the reemployment of one Charles August Smith, who as an agent of the Government testified falsely at a trial in the Federal District Court for the Southern District of New York, was arrested therefor, indicted, pleaded guilty, and convicted to 60 days imprisonment. The said reemployment of the said Charles August Smith having taken place after the expiration of the said term of imprisonment, the said Chester P. Mills, knowing well that the usefulness of the said Charles August Smith had terminated, in that no jury would believe his testimony, and that the reemployment of a self-confessed and convicted perjurer tended to demoralize the Government personnel and did impair their efficiency.

6. That the conduct of the said Chester P. Mills tended to demoralize the Government personnel under his charge and impair their efficiency, in that he, together with one Bruce Bielaski, employed one Michael Kelly, who had been discharged from the Police Department of the city of New York, having been caught in an attempted smuggling of liquor previous to his employment in the Government service.

7. That the said Chester P. Mills, together with one Bruce Bielaski, has improperly and unlawfully granted immunity to persons to violate the law in exchange for evidence or for other consideration in that he permitted, among many others, one John C. Schilling to continue the unlawful sale of liquor, although the said Schilling had been enjoined by the court from so doing.

8. That the said Chester P. Mills has demoralized the Government personnel under his charge and lost their confidence in that, together with one Bruce Bielaski, he employed one John C. Schilling after the said Schilling had been found guilty of violating the law and had been restrained by the court from the further unlawful sale of liquor.

9. That the said Chester P. Mills has failed to display proper discernment and judgment in the selection of his personnel in that he, together with one Bruce Bielaski, employed one R. M. Hodgert, who, while in the employ of the United States Government, was sought on a criminal charge, arrested in Philadelphia, and brought back to New York, thereby putting the United States Government to the embarrassment and expense of having one set of officials prosecute him before a United States commissioner, because he committed a crime, and another set of United States officials defending him before the same commissioner because he was a Government agent and needed in an important criminal case then pending. (The said R. M. Hodgert was held in $5,000 bail by the said United States commissioner.)

10. That the said Chester P. Mills failed to display proper discernment and judgment in the employ of his personnel in that he, together with one Bruce Bielaski, employed one William R. Hughes, a former member of the crew of Coast Guard patrol *No. 126*, after having been discharged from the Coast Guard in connection with rum-running activities.

Mr. HERSHEY. Was he charged with selling liquor?

Mr. LAGUARDIA. Smuggling liquor.

Employment of the said William R. Hughes tended to lower the morale and impair the efficiency of the Government personnel under the charge of the said Chester P. Mills, and such employment was a waste of public funds in that no jury would convict persons charged with violation of the law on the testimony of a discharged employee of the customs guard service, himself having smuggled liquor.

11. That the said Chester P. Mills has utterly failed to display proper administrative ability and has been guilty of undue and unnecessary waste of public funds in the assignment of the personnel in his office in that he has assigned one Capt. W. C. Luth to Bridgeport, Conn., as his post of duty, permitting the said W. C. Luth to spend but one day a week there and the rest of the time in the New York office, thereby putting the said W. C. Luth in a position to draw additional per diem allowance while away from his ostensible post of duty, amounting to additional pay not authorized by law, and that he has assigned one Maj. W. R. Bell to Hartford, Conn., as his post of duty, permitting the said Maj. W. R. Bell to spend but one day a week at his ostensible post of duty and spending the rest of the time in New York City, thereby putting him in a position to draw additional per diem allowance while away from his ostensible post of duty, amounting to additional pay not authorized by law.

12. That the said Chester P. Mills has lost the respect and confidence of the personnel under his charge in that it has become known throughout his office and staff that the said Chester P. Mills caused to be made false and misleading representations to the court in order to obtain possession of a sedan automobile theretofore seized and confiscated in the unlawful transportation of liquor. The said false and misleading representation to the court being that the said automobile was urgently needed for Government use, when as a matter of fact it was not so needed, and upon its release for alleged Government use the said automobile was delivered to the family of the said Chester P. Mills on his farm in the State of Connecticut by agents under the command of said Chester P. Mills and turned over for the family's private use to the family's private chauffeur.

13. That the said Chester P. Mills has lost the confidence and respect of his personnel in that it is generally known by them that nine 1-gallon cans of liquor were found in the aforesaid car on the said farm in Connecticut, and that his explanation and defense was that it could not have been brought there by himself or that he could not have any knowledge about it, because the said cans containing liquor were wrapped up in Jewish papers and he, the said Chester P. Mills, did not know how to read Jewish.

14. That the said Chester P. Mills has lost the confidence and respect of the personnel under his charge in that it is generally known that he has personally made purchase of liquor, and three checks given in payment thereof, drawn on a bank in Chicago, were not honored by the said bank, and said checks remained unpaid. Regardless of the merits of the transaction or whether it was bad liquor or bad checks, the fact remains that such conduct is a bad example to the force and not conducive to good discipline. While not justifying in any way the conduct of the bootlegger and not sympathizing with his plight, yet his plaint is not unreasonable considering the fact that bootleggers' dealings with officials are generally on a cash basis.

I informed the Secretary of the Treasury that all of these facts are either matters of record or matters easily ascertainable in his own department.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. In a moment.

These conditions are simply outrageous. The wets are being fleeced and poisoned and the drys are being deceived and misled. Then the undercover men are sitting pretty getting it from both ends. The undercover man gets it from the bootleggers if he does not speak and does not testify against them or he gets it from the Government for testifying against the bootleggers if he can not get enough out of them. Then the Government goes into the bootlegging business and violates the law more flagrantly than any other violator of the law. The department has got itself into a terrible mess, and I predict that there will be a big scandal before they get out of it. When Mr. Andrews sneers and says that the law is being enforced, he is the only man in the country who believes it is being enforced—if he believes it himself. But I serve notice that if there is any more sneering there is going to be some more very interesting information brought out.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. As I understand, the gentleman from New York is in favor of a strict enforcement of the prohibition law in New York City?

Mr. LAGUARDIA. Yes; as long as it is the law—and I do not want Government departments to violate it.

Mr. BLANTON. And you want them to enforce it?

Mr. LAGUARDIA. Yes; I know that the minute they start to enforce it in my State and in the State of Michigan and in the gentleman's State of Texas and in the State of Maine and in the Secretary's State of Pennsylvania, you gentlemen will join us and seek a change in existing conditions.

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for five minutes out of order.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for five minutes out of order. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, I rise simply to speak in defense of Major Mills. I do not know anything about the charges that have been made here against him, but in my opinion they are outrageous charges and utterly unfounded.

Mr. LAGUARDIA. How does the gentleman know that they are unfounded?

Mr. FISH. Because the gentleman has not submitted any evidence at all in support of them.

Mr. LAGUARDIA. You do not know anything about it.

Mr. FISH. The gentleman has no right to come into this House and arraign a man of the character of Major Mills without any evidence.

Mr. LAGUARDIA. Does the gentleman know what evidence I have?

Mr. FISH. I do not know anything about the gentleman's so-called evidence, and I do not care anything about it; but I do know this, that Major Mills upholds and does his best to enforce the law in the city of New York. He is the son of a former superintendent of the West Point Military Academy, and he has served in the Army with great distinction, and I know of no more honorable man or more honest man. Major Mills has been charged with all kinds of crimes and violations of the law by the gentleman from New York. Such charges as those should not be made against a man like Major Mills, who has led a life of honor, honesty, and decency. I do not know whether Major Mills ever took a drink before he was appointed to this job. I had nothing to do with his appointment. But I know that he is there to enforce the law, and is doing his level best, and that he does not drink a drop, and has not touched a drop since he accepted this appointment. It is most unfair to infer that he has bought alcohol or took 8 gallons of alcohol to his home.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. FISH. No; I can not yield. In the seven years during which the Federal Government has tried to enforce the law in New York—and I am not now discussing the merits or the

demerits of prohibition; I am rising simply to defend the character of an honorable man—during the seven years in which we have had an enforcement, or a lack of enforcement, of the law in New York we have never had an administrator who has had as much success as Major Mills has had in the enforcement of the prohibition law. I defy anybody to prove to this House or to any other body that any other man in his capacity as a prohibition administrator has had one-half the success that Major Mills has had, or conducted his office with one-half the honesty or the integrity. It is a shame that anyone can rise on the floor of this House and cast slurs upon and make charges against a man of the character of Major Mills.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. FISH. No; I do not yield to the gentleman. If he has evidence that is incriminating, if he has anything whereby he believes he can prove a violation of the law, let him take it to the district attorney and not take it up here and bring it before Congress, before men who have never met Major Mills and where he has no chance to reply. I do not believe the gentleman from New York [Mr. LAGUARDIA] has ever met Major Mills, because I do not believe any man who has ever met him face to face and talked with him would come in here and make such remarks concerning him that the gentleman from New York has made. [Applause.]

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker and gentlemen of the House, I have listened to the arguments of the two preceding speakers with a great deal of interest. Personally, I have not gone into the evidence which our colleague from New York [Mr. LAGUARDIA] has on the matter that he has just presented to the House; but, knowing the gentleman from New York as I do, I know he would not take the floor and make the charges he has made if they could not be substantiated.

The gentleman from New York [Mr. FISH] made an astounding statement on the floor of the House, when bitterly attacking and denouncing our colleague from New York [Mr. LAGUARDIA]. His statement that Major Mills, whoever he may be, has not taken a drop since he became enforcement officer in New York, is ridiculous, and why a Member of this body should make such a ridiculous statement is beyond my comprehension. Is Mr. FISH the guardian of Mr. Mills, and has he watched him day and night since Mr. Mills became prohibition director in New York, so that he could have evidence and facts backing up his statement that that gentleman has not taken a drink since he became enforcement commissioner in New York?

Mr. LAGUARDIA. In the gentleman's own county and district they are selling liquor, and it is nothing but a desire to gain some advantage in a campaign in New York that prompts the gentleman in speaking to-day.

Mr. SCHAFER. As to the question of Mr. LAGUARDIA bringing up charges on the floor of the House regarding the man's character and the performance of his official duty, if you will look into the CONGRESSIONAL RECORD you will see that this same gentleman from New York [Mr. FISH], who has condemned Mr. LAGUARDIA's action, has himself stood on the floor of the House and condemned other Government officials without presenting any evidence. I refer particularly to the matter concerning the Alien Property Custodian.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BLANTON. Then, if I correctly understand the gentleman from Wisconsin, he is joining the gentleman from New York [Mr. LAGUARDIA] in demanding that the prohibition law be strictly enforced in New York and in Milwaukee?

Mr. LAGUARDIA. And in Texas, too. [Laughter.]

Mr. SCHAFER. My position on the prohibition law has been made clear on this floor and before committees. I am for a modification, and it was not very long ago that I made a statement to the effect that I would support appropriations for the enforcement of the law, because I believe in the enforcement of all laws, as disrespect for one law breeds disrespect for all laws. While the prohibition or any other law is on the statute books I want to see them enforced. [Applause.]

CALL OF THE HOUSE

Mr. LANKFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Almon	Doyle	Lee, Ga.	Stephens
Anthony	Fitzgerald, Roy G.	McFadden	Strong, Pa.
Arentz	Foss	McLaughlin, Mich.	Sullivan
Auf der Heide	Fredericks	Mead	Swoope
Ayres	Free	Montgomery	Taylor, N. J.
Bailey	Funk	Mooney	Taylor, W. Va.
Barkley	Golder	Morin	Thomas
Bell	Goldsborough	Nelson, Wis.	Tillman
Bixler	Gorman	Newton, Mo.	Tincher
Britten	Harrison	O'Connor, N. Y.	Updike
Buchanan	Hastings	Patterson	Upshaw
Canfield	Howard	Peavey	Vaile
Carpenter	Hull, Tenn.	Perlman	Walters
Celler	Hull, Wm. E.	Phillips	Warren
Chindblom	Johnson, Ill.	Prall	Weaver
Cleary	Johnson, S. Dak.	Purnell	Wefald
Connolly, Pa.	Johnson, Wash.	Quayle	Whitehead
Crowther	Kendall	Ransley	Wingo
Crumpacker	King	Reed, Ark.	Wolff
Curry	Kirk	Reed, N. Y.	Woodyard
Dickstein	Kunz	Scott	Yates
Douglass	Lampert	Sproul, Ill.	

The SPEAKER. Three hundred and forty-six Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16249, the War Department appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TILSON in the chair.

The Clerk read the title of the bill.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to return to page 82. Yesterday an amendment was offered and adopted striking from lines 20, 21, and 22, on page 82, the words:

and furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries.

The purpose of the amendment was to extend this activity of furnishing headstones for the graves of Confederate soldiers. On looking into the matter it has been found that striking out that language would eliminate the only authority in law for the furnishing of headstones for Confederate graves, and I ask unanimous consent to return to page 82 for the purpose of offering an amendment which will restore the language which yesterday was stricken out.

The CHAIRMAN. The gentleman from California asks unanimous consent to return to page 82 of the bill for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: On page 82, line 20, after the figures "1906," insert the following: "; and furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries."

The amendment was agreed to.

The Clerk read as follows:

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between the said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins and of investigating lake levels with a view to their regulation; and for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, $50,000,000.

Mr. HARRISON. Mr. Chairman, I was very much interested in the discussion that took place yesterday in regard to the Revolutionary battle fields, and especially in regard to the battle field at Cowpens. I have also noticed in the press that

it was proposed to have a patriotic celebration at Vincennes, in Indiana, to commemorate the Battle of Vincennes, a victory which virtually gave the whole Northwest Territory to the United States. I am heartily in sympathy with these proposals to dedicate the battle fields so glorious in our history to memorial purposes, but in connection with the battle fields, may I not suggest that some attention indicative of the gratitude of the American people might be well given to the men who made the battle fields famous and our liberty an established fact. The man in command at Cowpens was Gen. Daniel Morgan. He lived and died in the city of Winchester, which I have the honor to represent on this floor. He named his colonial estate after the Battle of Saratoga, a victory for which he was largely given the credit. He, however, had a home in the city of Winchester itself which was built by the Hessian prisoners held at that place. In history he is known as the hero of Cowpens. His grave is in the local cemetery in the plot which is set aside for the purpose and is shabbily marked by a large, flat slab of stone so mutilated by relic hunters that even the inscription on the stone is no longer legible. The Government of the United States, that he served so faithfully, has never shown any interest in giving his last resting place a suitable recognition. I have tried again and again to secure an appropriation from the Government which would place a monument over his grave and would indicate to future generations the grateful appreciation of his services which were voiced yesterday in discussing the battle field of Cowpens. A bill appropriating the sum of $20,000 is now lying in one of the pigeon-holes of the Library Committee, of which Mr. LUCE, of Massachusetts, is chairman. General Morgan was not local to any State or community. He is a great national figure and for that reason the United States Government should erect a monument as a national tribute to his memory.

In regard to the Battle of Vincennes, Gen. George Rogers Clarke was commissioned by Patrick Henry, Governor of Virginia, and financed by the State of Virginia. He originally came from Albemarle County in the district that I have the honor to represent. Maj. Joseph Bowman was his able lieutenant, and was largely instrumental in the success at Vincennes, although the glory more particularly belongs to General Clarke, as the superior officer in command of the expedition. Neither the National Government, nor the State of Virginia, nor the State of Indiana, nor any of the other States of the northwest territory have ever shown a proper appreciation of the services of these men. The diaries of these two men are thrilling in the extreme. Leading about 150 men they marched in the dead of winter, often through freezing water breast high, and surprised the British at Vincennes with glorious results. I understand Major Bowman is buried at Vincennes, but his home place is near Strasburg, in the county of Shenandoah. I have always thought that this country owed to the memory of Major Bowman some recognition of his services. In the letters of the period, including the letters from General Clarke, full recognition is given to the important and brilliant services he rendered. Accordingly I introduced the bill now sleeping in the Library Committee to expend $20,000 for the purpose of erecting a monument to his memory near his old home place at Strasburg, Va. General Clarke died in great penury and want. In his old age Virginia voted him a sword, which he disdained. "Tell the people of Virginia," he said to the commissioners of presentation, "when the people needed a sword, I gave it them; but when I want bread, they give me a sword."

Again, Mr. Chairman, another great national figure who came from the same locality was Gen. Peter Gabriel Muhlenberg. At the time of the revolution he was a preacher in charge of the church at Woodstock, Va., and was very much beloved by the German residents that were scattered throughout the Shenandoah Valley. On a certain Sunday he summoned all the people from every neighboring quarter and to a very large audience he spoke from the text "There is a time for peace and a time for war," and so forth, and in a very eloquent sermon demonstrated to his audience that the time for war had come. At the conclusion of the sermon he threw aside his priestly robes and disclosed the uniform of a Continental officer. The drums beat to arms at the church door and he recruited the members of his congregation and marched off to join Washington. His regiment as well as himself became famous on the many battle fields of the revolution. The letters between Washington and Muhlenberg disclose the close intimacy between the two men. After the Revolutionary War he located in Pennsylvania and was elected to the United States Senate from that State. His brother was the first Speaker of the House of Representatives, and his portrait hangs in the Hall. Mr. Chairman, I thought that General Muhlenberg was another great national figure and that the United States Government could well show its appreciation of the immense services he rendered. Accordingly I introduced a bill appropriating $20,000 for a monument to be erected near the old church in which he made his famous sermon. The total amount appropriated in all three of these bills will not amount to more than the money that will eventually be appropriated for the battle field of Cowpens. It does seem to me that when we commemorate the fields made glorious by the men who dominated there, that some consideration ought to be given to the commemoration of the men themselves. The gentleman from New York [Mr. WAINWRIGHT] complains that he has only secured $2,000 to mark the battle field of White Plains, located in his district. He has been more fortunate than I have been in securing the consideration of these bills. Instead of getting even $2,000, I received a letter from the distinguished chairman of the committee, Mr. LUCE, who informed me that, in the opinion of the committee, that the Government at this time did not feel able to make the appropriation for propositions of this character. The country, so rich in these splendid examples of patriotism, must be poor, indeed, if it can not find the means to show future generations its full appreciation of their suffering, sacrifices, and worth that brought nothing compensatory to them but to the country liberty. [Applause.]

Mr. McSWAIN. Mr. Chairman, I move to strike out the last two words. I indorse the sentiments expressed by the gentleman from Virginia [Mr. HARRISON], and in connection with the remarks I made a day or two ago concerning the desertions from the United States Army, I desire to call to the attention of the House an incident connected with the career of Gen. Daniel Morgan. When, in the year 1755, the British General Braddock marched out from Alexandria, Va., on the campaign toward the French and Indians at Fort Duquesne in the northwest, with George Washington as his adjutant and chief of staff, there was in that outfit a native of New Jersey, but at that time a resident of Virginia, by the name of Daniel Morgan. No epaulettes of official rank adorned his shoulders; he was not even a private soldier carrying a musket; he had the degraded station of a mere teamster, and throughout his career, even when he became a major general in the Army of the Republic, he was still familiarly known by his comrades in arms as the "Old Wagoner."

You remember that the British and the American colonists were together fighting this war against the French and Indians. They were all under command of a British regular, General Braddock, and the ideals, the sentiments of the leader affected and influenced the official personnel, down to the subaltern lieutenant, who "aped" and "monkeyed" the manners and martinet discipline of the commander. Speaking of Maj. Gen. Edward Braddock, the Americana (encyclopedia), volume 4, page 383, says:

> His experience made him overrate formal discipline and underrate foes and allies that lacked it; he was hot of temper, rough of speech, overbearing in argument, obstinate of opinion. These defects, with the martinetism natural enough in an officer after 43 years' service in the Coldstream (Guards), and which were not vital in a drilled service, fatally alienated those in the new lands on whom he had to depend for safety.

Of course, the greater number of officers were Britishers, and on one occasion a young British lieutenant, thinking that this young teamster by the name of Daniel Morgan had done something that reflected upon his dignity and his station as an officer, struck the wagoner with his sword, and the wagoner, with the power and might of muscle derived from fighting Indians and earning a living by resisting the forces of nature, with his bare fist leveled the British lieutenant to the ground. [Applause.]

A court-martial was held. It was strictly violative of the articles of war, established by the feudal military system of the Britishers, to strike an officer, and Daniel Morgan was sentenced to suffer 500 lashes upon his bare back, and under military power he was laid across a barrel and 500 lashes were administered to his naked body. He got up, went about his duties, and a few days after that this lieutenant had the manhood and the courage to come and say, "My man, I have done you an injustice. I recognize that I did you wrong; I should not have struck you, and now I apologize for it."

Daniel Morgan accepted the apology, as a true man would, and history records that among the scores of British officers that fell into his hands during the Revolutionary War and of the number that became his captives yonder at Cowpens, he treated every one of them fairly. He had the manhood, he had the courage which characterizes a true man, to accord to these prisoners of war the treatment that the rules of war accord to all men; and he never took advantage of the power that was in his hands to recoup vengeance for the wrongs that his bare

back had suffered as a result of the petty, narrow, mean, low, and ignoble feeling of a little human being who thought he was of sacred blood because he held the rank of lieutenant.

I submit that this is the spirit of America. It is the spirit of the true 100 per cent American to this day; and whenever the men of the Regular Army, those who are officially responsible for the psychology, for the mental atmosphere, for the discipline, and for the surroundings of the Army recognize that the private in the ranks is a worthy successor to the spirit, to the courage, to the manhood, and the self-respect of Daniel Morgan, then we will cease to have 13,000 desertions from the Army in any one year. [Applause.]

The pro forma amendments were withdrawn.

The Clerk read as follows:

For examinations, surveys, and contingencies of rivers and harbors for which there may be no special appropriation, $150,000: *Provided*, That no part of this sum shall be expended for any preliminary examination, survey, project, or estimate not authorized by law.

Mr. McDUFFIE. Mr. Chairman, I move to strike out the last word.

I do this for the purpose of getting some information from the chairman of the subcommittee as to the reasons for reducing the appropriation usually carried for preliminary examinations of proposed navigation projects. We usually carry $300,000, I will say to the gentleman, but this bill carries only $150,000. As I understand it, this is the Budget estimate, but the Budget, as usual, failed to give any reason for reducing this fund.

I also understand that the Chief of Engineers or Major Fox, from the office of Chief of Engineers, told the committee it would handicap them greatly to cut down this amount. I am wondering if the chairman does not think we should add at least $50,000 more to this item.

Mr. BARBOUR. I will state to the gentleman from Alabama that as I recall the testimony of Major Fox, it was to the effect that the reduction of this amount would hurt them, but they had in mind making surveys under the river and harbor bill which has not yet become a law. Those are things that are to be taken care of and should be taken care of in a deficiency bill. This $150,000, as I recall the testimony, will take care of all the necessary surveys, but not the ones contained in the river and harbor bill which we just agreed upon the other day.

Mr. McDUFFIE. I understand there are more than 50 surveys still incomplete.

Mr. BARBOUR. Fifty-three, I believe.

Mr. McDUFFIE. Before this bill becomes a law unquestionably about 135 or 140 additional preliminary surveys will be authorized. Now, how is the Engineer Corps going to function without being provided with sufficient funds? That is what I am interested in primarily.

Mr. BARBOUR. They will get the funds to operate in accordance with the authorization act just passed in a deficiency bill.

Mr. McDUFFIE. Oh, you propose to provide the funds in a deficiency bill?

Mr. BARBOUR. Yes. The gentleman understands that bill is not yet a law. The bill we agreed to the other day is not yet signed by the President unless it has been signed quite recently.

Mr. McDUFFIE. Yes; but it will probably be a law before this bill becomes a law, and then the language of this bill would apply and all those additional surveys would be authorized by law.

Mr. BARBOUR. But we could not make estimates or report a bill appropriating money for projects which are not yet authorized by law. As I understand it, those projects will be taken care of in the deficiency bill.

Mr. McDUFFIE. If they are to be taken care of in a deficiency bill, I have no objection to this item.

Mr. BARBOUR. That is our understanding.

Mr. McDUFFIE. But I want to be sure we will have a deficiency bill and provide enough money to do this work.

Mr. BARBOUR. That is my understanding, I will say to the gentleman from Alabama.

The pro forma amendment was withdrawn.

The Clerk read as follows:

MUSCLE SHOALS

For operating, maintaining, and keeping in repair the works at Dam No. 2, Tennessee River, including the hydroelectrical development, $300,000, to remain available until June 30, 1928, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers.

Mr. ALLGOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. ALLGOOD: Page 92, line 23, after the word "Engineers," insert a comma and the following:

"Whereas there is now installed at Wilson Dam hydroelectric equipment for the generation of 260,000 horsepower; and

"Whereas because of the limitations of transmission lines the Alabama Power Co. is utilizing not more than 90,000 horsepower of said installation; and

"Whereas there exists a surplus of water power, which, supplemented when and as necessary by means of the steam-power plant at Nitrate Plant No. 2, is sufficient for the operation of said nitrate plant: Therefore be it

"*Provided*, That in order to carry out the provisions of the national defense act of 1916, section 124 of which authorized the construction of said nitrate plant and dam for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products, the rentals received by the United States Government from the Alabama Power Co. or other purchaser of power or lessee or tenant shall be used by the President of the United States for the carrying out of this act and that the nitrate plants immediately be put into operation by the President."

Mr BARBOUR. Mr Chairman, I make the point of order against the amendment as legislation.

Mr. ALLGOOD. Will the gentleman reserve his point of order?

Mr. BARBOUR. I will reserve it.

Mr. ALLGOOD. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ALLGOOD. Mr. Chairman and gentlemen, located at Muscle Shoals, Ala., the United States Government has expended approximately $150,000,000 under the national defense act, which, as my amendment states, is for the purpose of manufacturing munitions in time of war and nitrates for fertilizers and other useful products in time of peace.

At this time the Alabama Power Co. is using a part of the power that is developed there, and, as the amendment states, they are only using a portion of the power. The amendment provides that the President in carrying out the provisions of this act shall take the money we are receiving from the Alabama Power Co. and operate the nitrate plants.

The Government has spent $64,000,000 in nitrate plants at Muscle Shoals. These plants are not being operated. They are rusting and rotting down, surplus water is flowing through the dam, and we are not receiving any return from these idle properties.

The representatives of the people also spent $8,000,000 on an auxiliary steam plant at Muscle Shoals which, if operated, would produce 80,000 horsepower; however, under our system of economy, it is standing idle, it also is rusting down, and we are getting no returns on it whatever. I have recently noticed a statement telling of the wonderful bargain which the Government has made with the Alabama Power Co., whereby we are receiving $872,000 a year.

Four per cent is a cheap rate of interest. Our farmers who have to buy fertilizers pay 8 per cent, and our business and industrial managers pay at least 6 per cent. However, $150,000,000 at 4 per cent interest would bring $6,000,000 income, as against the $872,000 which the power companies paid for the use of these properties, making a loss of more than $5,000,000 a year, to say nothing of the depreciation and heavy upkeep of these expensive plants.

Our fertilizer bill is enormous and amounts to more than $225,000,000 each year. The cotton farmer especially is sorely in need of relief. He sold his cotton for 12 cents a pound this year, but was forced to pay as much for fertilizers and other manufactured articles as he did last year when he received 18 cents per pound for his cotton. There is no system of economics under the sun, notwithstanding President Coolidge's economy system, that can bring prosperity to people when they are brought face to face with a condition like this. I ask you, gentlemen, if there is a single farmer in my district, in the State of Alabama, or in the United States who is getting a pound of fertilizer from Muscle Shoals?

Germany since the war has turned her hydroelectric plants into fertilizer factories and has absolutely stopped the importation of Chilean nitrates and, in addition, is competing with Chile in the United States to-day by selling calcium nitrate at $8 per ton cheaper than the Chilean nitrate is being sold, and they both carry the same percentage of plant food.

This is a wonderful Government that will force its farmers to buy fertilizers from Germany and force them not only to pay

tribute to a foreign nation but also to pay railroad and freight charges for thousands of miles, while $150,000,000 worth of property that was constructed for the production of fertilizers is practically idle and while the power from the great Tennessee River goes unused, unappropriated, and without avail to our citizens.

There has been a great deal said about passing a farm relief bill at this session. If this Congress really wants to help the farmer, one of the best things we can do is to put the nitrate plants at Muscle Shoals to turning out fertilizers.

I have been informed to-day that hearings will be started on a new bid next Tuesday. I have heard of nothing but hearings, hearings, hearings on Muscle Shoals ever since I have been in Congress. People in my section want to hear the wheels running. They want to hear the wheels at Muscle Shoals running and smell fertilizer that is produced there. For eight long years there has not been a sack or a pound of fertilizer produced there. This is a national disgrace, and this Congress should act, and act now.

Congress each year makes appropriations for the Army and Navy. These appropriations run into the hundreds of millions of dollars. For several weeks a war cloud has been hanging over this country, and if war should be declared we would find ourselves little prepared with munitions on account of the idleness of the nitrate plants at Muscle Shoals, which are the only properties we have in the Nation for the production of air nitrates. Therefore from the standpoint of national defense it is not patriotic, it is not good business, for these plants to remain idle.

The press of the country generally keeps pretty well posted on public opinion, and I am pleased to quote from various newspapers throughout the country in regard to the inactivity of Congress on the Muscle Shoals question:

[From the Springfield (Mass.) Union, December 22, 1926]

* * * In its troubled course over the pitfalls of congressional wisdom it has occupied hundreds of hours of unlimited debate and filled many thousands of pages of the CONGRESSIONAL RECORD with words and diagrams. It has been handed over to the uncertain mercies of various committees and commissions. * * *

[From the Gadsden Times, January 17, 1927]

People who think at times of Muscle Shoals and the agricultural demand for fertilizer might ponder the statement just published in England that synthetic nitrogen now furnishes 47 per cent of the world's supply, that about 70 per cent of this is made in Germany, and that Chilean nitrate now furnishes only 27 per cent of the world's supply. If Uncle Sam is making any nitrate of his own, either for fertilizer or for war purposes, he is mighty quiet about it.

[From the Keesville (N. Y.) Republican, December 17, 1926]

* * * In spite of the fact that the leasing procedure is clear and specific, and duly protects the public interest, eight years' time have been wasted playing politics with Muscle Shoals. It is time to stop.

[From the Guntersville Democrat]

So far rival bids have only had the effect to delay any action that would make Muscle Shoals a resource instead of a liability. This country wants to see every unit of the shoals in action.

[From the Springfield (Mo.) Leader, July 8, 1926]

THE SOUTH AND SHOALS

* * * Disposition of Muscle Shoals is one of the most important matters to come before the short session of Congress next December. It is important that it be settled then. As the shoals plant now stands it is a frozen asset, doing the Government nor anyone else much good. For the benefit of the country somebody should be permitted to put Muscle Shoals to work.

[From the Webster (N. Y.) Herald, December 10, 1926]

* * * Not very good business for any concern to invest $150,000,000 in a plant and then let it stay idle for 10 years.

That is what is being done with Muscle Shoals.

[From the Cullman (Ala.) Tribune, November 25, 1926]

* * * The lease or disposal of the power of Muscle Shoals hydroelectric plant has been a big political football for the past eight years, and the G. O. P. has kicked it to and fro about as long as they can.

I hope the President will take this money that has been collected from the Alabama Power Co., as provided by my amendment, and start these plants to turning out fertilizers and at the same time establish a research laboratory there, to the end that our farmers may have as cheap fertilizers as any farmers in the world. [Applause.]

Mr. JAMES. Mr. Chairman and gentlemen, there was no section of the national defense act more carefully considered than section 124, the section providing for fertilizer in time of peace for the farmers and nitrates in time of war for the soldiers.

Muscle Shoals has been before our committee since 1922. No matter has received more careful attention before our committee than legislation affecting the disposition of Muscle Shoals.

Several times the House Committee on Military Affairs has reported bills for the favorable consideration of the House, so, as far as our committee is concerned, we have done our duty several times.

I happened to be a member of the Joint Committee on Muscle Shoals, and was elected vice chairman. A good deal of the time I acted as chairman. Our instructions—under the Snell resolution—were to report back to the House an offer that would provide for fertilizer in time of peace and air nitrates for ammunition in time of war. In addition, our instructions were to report back a bid that was as good, or better, than the Ford offer.

That property belongs to the Government, and it is our duty not only to get an offer that is satisfactory to the bidders but one that gives a square deal to the Government. [Applause.] We had no square deal so far as the Government was concerned. As far as the allied power companies are concerned, they did not provide for a real fertilizer guarantee. Under their first offer they did not have to manufacture fertilizer at any place in the United States and might have gone to Germany. Under the offer as amended they could have made fertilizer at any place in the United States, and as finally amended now it does not mean air Nitrate Plant No. 2 is going to be operated, because when I asked Mr. Martin, president of the Alabama Power Co., "Will you agree to a slight amendment that you will not only maintain but operate air Plant No 2?" he said, "No; that will destroy my offer." As far as our committee is concerned, when Mr. McKenzie was a member of the committee in his majority report he agreed that air Nitrate Plant No. 2 should be operated and not kept as an idle plant. Mr. HULL, Mr. FROTHINGHAM, Mr. PARKER, and others who signed the minority report also agreed that air Nitrate Plant No. 2 must be operated. When the members of the McKenzie Commission made their reports, both the majority and the minority reports agreed that air Nitrate Plant No. 2 must be operated. The Committee on Military Affairs this morning had the Muscle Shoals matter up, and it was determined by unanimous vote that Muscle Shoals should be the unfinished business until disposed of. So far as our committee is concerned, if we get a good offer, not good from the standpoint of the power companies or from the viewpoint of the fertilizer companies, but a good offer for the Government and a good offer for the farmers who desire fertilizer, it will come out of our committee with a favorable report. Then we will ask Mr. SNELL, chairman of the Rules Committee, to give us a special rule, and we hope to send it to the Senate. As far as the Committee on Military Affairs is concerned, as usual we are going to function. [Applause.]

I wish to say a few words about the item for increase of rations to the enlisted man. I want to congratulate the committee for increasing the ration to 40 cents.

I also wish to congratulate the members of the subcommittee for the increases they have made to the National Guard and the Organized Reserves, and also for their action in restoring the enlisted men to 118,750.

Believing that the enlisted men of the Army should be as well fed as the enlisted men in the Navy, I introduced House bill 16077, which reads as follows:

[H. R. 16077, 69th Cong., 2d. sess.]

A bill to amend section 40 of the act approved February 2, 1901 (31st Stats., p. 758), relative to rations

Be it enacted, etc., That section 40 of the act approved February 2, 1901 (31st Stats. p. 758), is amended to read as follows:

"The Army ration shall consist of the following daily allowance of provisions to each person: One pound and a quarter of salt or smoked meat, with 3 ounces of dried or 6 ounces of canned or preserved fruit, and 3 gills of beans or peas, or 12 ounces of flour; or 1 pound of preserved meat, with 3 ounces of dried or 6 ounces of canned or preserved fruit and 8 ounces of rice or 12 ounces of canned vegetables, or 6 ounces of desiccated vegetables; together with 1 pound of biscuit, 2 ounces of butter, 4 ounces of sugar, 2 ounces of coffee or cocoa, or one-half ounce of tea, and 1 ounce of condensed milk or evaporated cream; and a weekly allowance of one-quarter pound of macaroni; 4 ounces of cheese, 4 ounces of tomatoes, one-half pint of vinegar or sauce, one-quarter pint of pickles, one-quarter pint of molasses, 4 ounces of salt, one-half ounce of pepper, one-eighth ounce of spices, and one-half ounce of dry mustard. Seven pounds of lard, or a suitable substitute, shall be allowed for every hundred pounds of flour issued

as bread, and such quantities of yeast and flavoring extracts as may be necessary.

"The following substitution for the components of the ration may be made when deemed necessary by the senior officer present in command: For 1¼ pounds of salt or smoked meat or 1 pound of preserved meat, 1¾ pounds of fresh meat or fresh fish or 8 eggs; in lieu of the articles usually issued with salt, smoked, or preserved meat, 1¾ pounds of fresh vegetables; for 1 pound of biscuit, 1¼ pounds of soft bread or 18 ounces of flour; for 3 gills of beans or peas, 12 ounces of flour or 8 ounces of rice, or other starch food, or 12 ounces of canned vegetables; for 1 pound of condensed milk or evaporated cream, 1 quart of fresh milk; for 3 ounces of dried or 6 ounces of canned or preserved fruit, 9 ounces of fresh fruit; and for 12 ounces of flour or 8 ounces of rice or other starch food, or 12 ounces of canned vegetables, 3 gills of beans or peas; in lieu of the weekly allowance of one-quarter pound of macaroni, 4 ounces of cheese, one-half pint of vinegar or sauce, one-quarter pound of pickles, one-quarter pint of molasses, and one-eighth ounce of spices, 3 pounds of sugar, or 1½ pounds of condensed milk, or 1 pound of coffee, or 1½ pounds of canned fruit, or 4 pounds of fresh vegetables, or 4 pounds of flour.

"Any article comprised in the Army ration may be issued in excess of the authorized quantity, provided there be an underissue of the same value in some other article or articles."

This bill passed the House by unanimous consent on January 17, 1927.

The report on the bill made by the gentleman from Mississippi shows how necessary it was thought by Hon. Dwight F. Davis, Secretary of War, General Summerall, the Chief of Staff, and General Cheatham, the Quartermaster General.

The report made by Congressman QUIN, of Mississippi, reads as follows:

[H. Rept. No. 1730, 69th Cong., 2d sess.]

ARMY AND NAVY RATIONS

Mr. QUIN, from the Committee on Military Affairs, submitted the following report to accompany H. R. 16077:

The Committee on Military Affairs, to which was referred H. R. 16077, a bill to amend section 40 of the act approved February 2, 1901 (31 Stat. p. 758), relative to rations, having considered the same, report thereon with the recommendation that it do pass.

This measure proposes to place the Army ration on an equality with the ration for the Navy. From the testimony before the Committee on Military Affairs by the Secretary of War and officers from the War Department, it was clearly and conclusively shown that all the men in the armed forces of this country should be fed on an equal basis.

In support of the measure extracts from the committee hearing are made a part of this report in order that the Members of the House may be made acquainted with the sentiment expressed by the Secretary of War, the Chief of Staff of the Army, and the Quartermaster General of the Army, in all of which your committee concur.

These extracts are:

"Secretary DAVIS. The Quartermaster General, of course, can give you the details in regard to the ration, and I suppose you want from me just a general statement about the importance of it.

"I think the question of the proper amount, quality, and kind of food that men get is of vital importance in any line of activity and particularly so in the military service, and also the question as to whether the men in the Army are getting the same ration, comparatively, as the men in the other armed services.

"The ration, as you know, at the present time, in the 1928 Budget, is based on the figure of 35.74 cents, and the actual cost of the ration to-day is on the basis of 36.12 cents. That is too small, I think, as shown by the fact that in practically every case I know of where any funds are available (company funds or post exchange funds, or anything of that sort), they are actually being used and have been used for years in supplementing the ration. It does not seem to me that is a fair proposition. In other words, the profits of these post exchanges and similar funds are really taken from the men themselves and, if those profits are put back into the feeding of the men, they are actually paying a certain part of their own food cost.

"The fact that we have a very low ration has a bad effect on the morale, generally, I think; it naturally would have that effect. It is inefficient, because the company officers, the men who are directly in charge of feeding the men, have to devote a great deal of their time and a great deal of their ingenuity in trying to piece out the ration and do everything they possibly can to make the ration as good as it can be made under the circumstances, and I know, from my own personal experience as a company officer, it does take a good deal of your time, thought, and energy that perhaps should be devoted to other things.

"The situation is unfortunate in having a different ration for the Army from the Navy and Marine Corps; because, of course, in a great many cases, at least, two of the services and sometimes three of the services are quartered very close to one another and in that way the soldier feels he is discriminated against if he sees the men in the other service getting a very much better ration than he has.

"I think the Navy ration is something like 55 cents and the Marine Corps is perhaps slightly less—54 and something, I think. The influence of that difference is, of course, very bad for the morale of the soldier, because he feels he is not getting as good treatment as the sailor or the marine.

"I believe it is a very important question and am very glad your committee has taken it up. The Quartermaster General and the Chief of Staff are here if you want to ask any questions about the details.

"Mr. QUIN. Mr. Secretary, you will back up this measure if the committee reports this bill out? Your department backs up this bill, I understand, and we can say that on the floor of the House

"Secretary DAVIS. We believe the rations should be increased; I do not believe there is any question about it.

"General SUMMERALL. Speaking to the committee, I feel a great obligation to speak for what I believe the Army would say for itself from its own convictions and from my association with it.

"In coming through all the grades in the service—for a number of years I was a company commander or battery commander—I had to deal with this problem of feeding my men. I was never able to feed them on the ration in any manner which would conduce to their well-being or happiness. I found that they responded more quickly to good food and good living than to any one of their conditions of living. It was my greatest problem not to train or discipline, or to carry out the ordinary military requirements, but to feed my men. As a captain, I was compelled to resort to every subterfuge I could find to raise money to add to the mess. I sold everything I dared to sell, as junk, and was compelled to use a considerable per cent of my men and overhead to carry on such activities as gardens, chickens, cows, and so on to eke out the mess. The labor was worth while and brought an abundant return in increased contentment and efficiency of the command.

"* * * For several years I have placed on my annual report, after my inspections, an urgent recommendation for an increase in the ration. These conditions were emphasized in Hawaii, where my men lived in close proximity to the Navy, who were very much better subsisted and, as I believe, with a corresponding improvement in morale and discipline.

"* * * I am thoroughly in favor of the increase in the ration as contemplated by the bill, to the equivalent of the Navy ration, under like conditions of living. I believe it is essential and will bring an abundant return in reducing desertions, in increased morale and discipline, and in efficiency.

"General CHEATHAM. I want to say, in general, that I do feel the Army ration should be increased.

"Mr. FISHER. Is there any evidence to show that the boys and young fellows in the Navy and Marine Corps are overfed under the ration that is given them?

"General CHEATHAM. Not to my observation, sir.

"Mr. GARRETT. Do you think that the Army men have been underfed with the ration they had?

"General CHEATHAM. It was shown, Mr. GARRETT, before you came in, sir, that the Army itself, the enlisted men, through some source other than governmental, increased the ration by 18 per cent from the post-exchange funds and from other private funds furnished by the soldiers themselves.

"Mr. GARRETT. And but for that, they would have been underfed; is that the idea?

"General CHEATHAM. The question of underfed is a rather difficult one. They would not have starved. The components of the ration have a certain definite number of calories which will keep you in good health, but there is not the variety; there is not the progress in the standards of living which the rest of the country has built up to, and the ration is not satisfactory; it is not a pleasing ration to the palate."

The following letter explains the views of the Inspector General and the Surgeon General:

JANUARY 18, 1927.

Hon. W. FRANK JAMES,
Acting Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. JAMES: In compliance with your letter of this date I am pleased to furnish you the views of the Inspector General of the Army and the Surgeon General of the Army in regard to the inadequacy of the present Army ration.

The Inspector General in commenting upon a proposal to increase the Army ration stated under date of January 13, 1927, that the increase recommended will place the Regular Army on a parity with other services and will react favorably on the contentment and well being of all organizations. He stated further that the subject of the ration had been specially inquired into by officers of his department and based upon this survey the Inspector General reported as follows:

"There have been received at this office to date 90 special reports by inspectors general on this subject, which are forwarded herewith, together with a tabulation prepared in this office showing the results of their inquiries.

"The tabulation indicates that the present garrison ration allowance is not considered sufficient for the needs of the troops. The consensus

of opinion is practicaly unanimous on this point, since the exceptions, which are few, are accompanied with qualifications indicative of insufficiency."

The Surgeon General, under date of January 3, 1927, submitted the following comments:

"The present Army ration is sufficient in caloric value and ample in quantity for actual needs of the soldier, but in the majority of organizations, and particularly so with smaller units, it does not provide the variety of foods necessary for an appetizing mess.

"Even with great economy and ingenuity on the part of the organization commander and mess sergeant, combined with skill on the part of the cook, it is believed that the present ration does not permit the serving of a well-balanced diet in the Army comparable with that of civilians in similar walks of life under the present living conditions in the United States. The mental attitude is a gauge of the efficiency of a command, and it is true that nothing contributes more to the satisfaction and contentment of an organization than an adequate diet in which there is variety.' On the other hand, a man belonging to an organization which has a poor mess is more apt to become delinquent and undergo company punishment or confinement in the guardhouse. The entry of A. W. O. L. or desertion is more apt to appear opposite his name on the morning report under these conditions.

"That soldiers in many cases do not receive a variety of food to supply their natural demands is shown by the fact that post exchange and other accessible restaurants do a thriving business. McCollum is responsible for this slogan: 'Eat what you want after you have eaten what you should.' It is believed that if the Army messing system permitted the soldier to adopt this slogan the business of the above restaurants would be seriously curtailed. The soldier's attitude toward what he calls 'Government straight' rations is well known.

"It is true that deficiency diseases, such as scurvy and beriberi, are rare or unknown in the Army of recent years, but medical officers have observed that many men report at sick call complaining of minor ailments which remain undiagnosed and that the same men reappear with sufficient frequency to be termed 'gold bricks.' Many cases of vague digestive disturbances are encountered, constipation is common, and the dental surgeons are busy caring for conditions which it now appears may be influenced by diet."

The Inspector General and the Surgeon General have been consulted with reference to H. R. 16077, a bill to amend section 40 of the act approved February 2, 1901 (31 Stat. 758), relative to rations, and both favor the passage of the bill.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

I believe that the enlisted men of the Army should be as well treated in every way as the enlisted men in the Navy and the Marine Corps. [Applause.]

Mr. BARBOUR. Mr. Chairman, I make the point of order.

The CHAIRMAN. The amendment is clearly subject to the point of order, and the Chair sustains the point of order.

Mr. HILL of Alabama. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the report has gone through the country that the Government of the United States is to-day making a profit on the power that it is selling at Muscle Shoals. I hold here a letter from Mr. Chester H. Gray, Washington representative of the American Farm Bureau Federation, which states and shows very clearly that instead of the Government making money on the power sold at Muscle Shoals the Government is losing money on that power every day. And, Mr. Chairman, in that connection I ask unanimous consent to place this letter in the RECORD.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL of Alabama. The letter is as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., January 18, 1927.

DEAR CONGRESSMAN: A recent statement from the Army Engineers with regard to the financial returns to the Government from Muscle Shoals under the present arrangement with the Alabama Power Co. announces a "net operating revenue" from Muscle Shoals of $859,209 for the past calendar year. The phrase "net operating revenue" is a very deceptive one as applied to water power. In this case it means gross income less cost of maintenance and operation. But maintenance and operating cost are a very small fraction of the cost of water power. Interest and other fixed charges are the big items of cost.

There has been expended at the Wilson Dam, to date, $47,000,000. Of this amount about $17,000,000 is chargeable to extra high war cost and to navigation improvement, leaving, in round figures, $30,000,000 invested in the water power end of Muscle Shoals. We at once see the fallacy of feeling complacent with the present situation yielding a "net operating revenue" of $859,209 for this amount must be applied as interest on this $30,000,000 investment.

There is pending before Congress a private proposal that would not only pay 4 per cent interest on this capital investment but in addition provide an amortization fund to return the investment in full and take over the "maintenance and operating expense," and, most important of all, carry out the purpose of Congress at Muscle Shoals, namely, the manufacture of fertilizer. I refer to the proposal of the American Cyanamid Co. which has our unanimous indorsement.

Instead of a profit of $859,000, which is the idea conveyed by describing this return as a "net operating revenue," the present arrangements with the Alabama Power Co. have resulted in a net loss, as follows:

4 per cent on $30,000,000	$1,200,000
Operation and maintenance	173,000
	1,373,000
Total income from sale of power	872,000
Total loss	501,000

This covers the operation of the Wilson Dam solely.

The steam plant, from which a return of $160,370 is reported, is a part of Nitrate Plant No. 2. The actual cost to the Government of guarding and watching this property last year was $85,000. A very small charge for depreciation added to the cost of guarding, wipes out all net returns from the lease of the steam plant. This entire plant is to be maintained and operated under this same proposal at no cost to the Government and makes a valuable contribution to agriculture.

Instead of a "net operating revenue," there is an actual loss of over half a million dollars. The Alabama Power Co. has Muscle Shoals and the farmer has no fertilizer. The continuation of such a policy at Muscle Shoals is indefensible.

Yours very truly,

CHESTER H. GRAY.

Mr. DAVIS. Is it not a fact that the Alabama Power Co. is paying 0.3 of a cent for the power which they are selling at from 1 to 15 cents per kilowatt hour?

Mr. HILL of Alabama. My understanding is that they are getting a high price for it.

Mr. SNELL. What does the gentleman mean by 1 cent?

Mr. DAVIS. Per kilowatt hour.

Mr. SNELL. That would be an exceptionally good price if they are getting 1 cent.

Mr. HILL of Alabama. Mr. Chairman, I do not yield further. Mr. Chairman, my colleague from Alabama [Mr. ALLGOOD], who is ever zealous in behalf of our people and whose eagerness to have the Government either lease or operate the great nitrate plants at Muscle Shoals I share, said that we have had too many hearings on Muscle Shoals. I agree with my colleague, but I must say in this connection that the House has upon its calendar for the disposition of Muscle Shoals no bill except the bill providing for the lease of the Muscle Shoals plants to the 13 allied power companies. I think no one here wants to pass that bill; in fact, I am sure no one here wants to accept the offer of the power companies. Before the House can take any action on Muscle Shoals, therefore, or consider any bill for the disposition of the plants there, the Military Affairs Committee must report some bill to the House. It was the knowledge of this situation that caused the Military Affairs Committee this morning to unanimously pass a resolution providing for hearings on Muscle Shoals commencing next Tuesday morning. If I read the attitude of the Committee on Military Affairs aright this morning, it is the intention of that committee to make these hearings very brief and to bring forthwith to this House a bill that this House can and will support and that will put the great plants at Muscle Shoals in operation for the production of nitrate. Gentlemen, there has been so much said on Muscle Shoals, so much talk on Muscle Shoals that I sometimes fear we are lost in all of this talk; that our ears have become deadened to any cry for the operation of the nitrate plants there. I fear that we fail to realize the tremendous importance of the great plants at Muscle Shoals to the national defense of this country.

In a few brief minutes we will pass the pending Army appropriation bill carrying an expenditure of some $281,000,000 for the support and maintenance of our Army, for the purchase of guns, rifles, airplanes, and other implements of war; and yet, gentlemen, we are almost entirely dependent upon Chile to supply us with the nitrate which we must have if any of our arms and defenses are to be worth anything at all to us—if we are to fire a single gun. Nitrate is needed in every form of ammunition used by our Army and our Navy.

In 1916, when the war clouds of Europe cast their shadows over this country and Congress recognized that this country would inevitably be drawn into the great World War, Congress passed the national defense act reorganizing our Army and making preparations for war. Congress placed in that act section 124, providing for the construction of the great

nitrate plants at Muscle Shoals and the manufacture in this country of nitrate by taking the nitrogen from the air.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HILL of Alabama. I ask unanimous consent to speak for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HILL of Alabama. Congress incorporated this section in the national defense act in 1916 because the United States had no natural supply of nitrate such as the nitrate mines in Chile and because the United States had no plants whatever for taking the nitrogen out of the air. To-day, so far as the operation of any plants is concerned, we are in exactly the same position that we were in in 1916. To-day the United States has no natural supply of nitrate, and we have practically not a single plant in operation taking the nitrogen out of the air. You gentlemen remember that during the World War the great need was for ships. The cry throughout the land was, "Ships—give us more ships!"

We commandeered every available merchant ship that was on the seas; we secured the German and Austrian interned ships; we took over Dutch steamers and chartered Scandinavian and Japanese tonnage. It required every available merchantman that we could find to carry our troops to the front line, to supply them with food and munitions of war, and to move the commerce of the United States; yet in that dire necessity we were compelled to use nearly one-third of our entire merchant marine to bring over the 3,000-mile route from Chile the nitrate to make the powder and the explosives without which we were utterly helpless to make war.

Gentlemen will remember that the first naval battle of the World War was fought not in the war area, not in the North Sea, not off the coast of Germany nor of England, but off the coast of Chile, thousands of miles away from the battle lines, when British and Japanese gunboats intercepted the German fleet endeavoring to give protection to German merchantmen coming out from Chile with their cargoes of Chilean nitrate. If in the days preceding the war Germany, seeing the handwriting on the wall, had not stored in her arsenals great stores of Chilean nitrate and partially provided for a supply of nitrate from the air, she would have been defeated before the end of the first year of the war. During the war we were able to add our Navy to that of Great Britain and thereby keep open the 3,000-mile line of communication with Chile and get the nitrate necessary for the winning of the war. Fortunate indeed was it for us that the British Navy had driven Germany off of the high seas; that we had no fear of molestation from Japan; and that all the powers having access to the sea were allied in the common cause with us. But who can say that on to-morrow or hereafter, if we should be forced into war, that our Navy could keep open the route between the United States and Chile? Who can assure us that in such an event the Chilean Government would not assume an attitude of neutrality and refuse to let us have any nitrate?

As my colleague from Alabama [Mr. ALLGOOD] has told you, Germany has completely emancipated herself from any dependence upon Chile for nitrate. She has done this through the development of her war-time air nitrate plants. She has even gone into Norway and bought the cheap water power there to operate her plants, so that she might be entirely free from any dependence whatever upon the Chilean nitrate fields either in war or in peace. Mark you, gentlemen, this is Germany, the bankrupt nation for which the allied nations had to appoint a receiver under the Dawes plan. Through the grant of a Government subsidy of £2,000,000 annually to the great nitrogen-fixation plant at Billingham-on-the-Tees, Great Britain is freeing herself from dependence upon Chile for her nitrate. Great Britain is doing this, although she has the greatest and most powerful navy in the world, to keep open her lines of communication with Chile, and although she finances and owns about three-fourths of the securties of the Chilean nitrate companies. As Mr. Courtenay DeKalb, the distinguished chemist, well says in a recent issue of the Manufacturers' Record:

> We must depend upon nitrogen until man has found other weapons that make gunpowder obsolete. We of the United States do not possess such a supply; Germany has it, England is developing it, France is developing it; we of the United States are dawdling as usual and have done so nearly nothing in the creation of plants for nitrogen fixation that the output of air nitrogen is a negligible quantity.

As Mr. DeKalb further states:

> If we do not use Muscle Shoals as a center of fixed nitrogen production we will remain for a long period at the mercy of a foe.

I ask you, gentlemen, how much longer will you permit the powder horn of this Nation to remain in the hands of a foreign power? How much longer will you permit the great people of America who have imposed on us the awful responsibility of their defense to remain at the mercy of a foreign foe? [Applause.]

Mr. SNELL. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. SNELL. I am very much interested in the matter of Muscle Shoals. I do not blame the Members of Alabama [Mr. ALLGOOD and Mr. HILL] for the position they have taken here to-day. I think the people of the country have a right to criticize us for delay in handling this great natural resource. We have it, and I feel it is up to us to put it to work. I think we have waited long enough for the fertilizer manufacturers and power companies to prepare their bids and made an adequate offer for that property.

Nobody is more interested in private ownership than I, and no one is more opposed to Government ownership and operation, but I say that unless a reasonable offer is made within a reasonable time—not a long time; I mean right away, quick—I am in favor of a proposition to put our Department of Chemistry down there at Muscle Shoals and put it to work. [Applause.] Let us use what power is necessary to make experiments, and sell the balance of power as the conditions may seem fit. Under present conditions we must pay for these experiments anyway, so we might just as well make them without further delay. We should do something speedily and definitely. If those fertilizer and nitrate manufacturers keep fighting among themselves and refusing to make a reasonable offer, it will be up to us to take action and proceed to get a definite return from the investment of that $160,000,000.

It has been said that those people down there are seeking to buy the power at their own figures. I am not in a position to dispute that statement. But if these interested people find out we mean business and are not going to fool any longer, I believe they will make an adequate offer; but if they do not I propose to operate that plant by the Government until such a time as some organization wants to take it off our hands on reasonable terms.

Mr. JAMES. Mr. Chairman, will the gentleman yield there for a moment?

Mr. SNELL. Yes.

Mr. JAMES. I want to say that I agree absolutely with the gentleman from New York, and I am going to suggest to our Committee on Military Affairs that we report out a bill framed along the lines suggested by the gentleman from New York. [Applause.]

Mr. ALLGOOD. Mr. Chairman, will the gentleman yield?

Mr. SNELL. Yes.

Mr. ALLGOOD. I believe the Committee on Irrigation and Reclamation was before the Committee on Rules to-day to make a request for an appropriation of $125,000,000 for Boulder Dam?

Mr. SNELL. Yes.

Mr. ALLGOOD. If we in Alabama can not see some return coming from property already developed by the Government, what reason can we have for going ahead and spending $125,000,000 more of the people's money on a new project?

Mr. SNELL. I think it is a reasonable proposition. It is up to this House to do something. The Military Committee is not entirely to blame, for they are trying to lease this plant under the conditions set up by Congress. And, as a matter of fact, we have too many conditions for any reasonable, sensible man to want to lease the property, and under those conditions and under the provisions of the original, I have about made up my mind there is nothing left but a limited period of Government operation, as much as we dislike that method of solution of problems.

The country is beginning to criticize our inactivity on this great proposition, and there is reason for it. And, as far as I am concerned, I propose definite legislation of some kind before the close of this session of Congress. [Applause.]

Mr. ALLGOOD. I am glad that the gentleman from New York [Mr. SNELL], the chairman of the Rules Committee, has spoken as he has. My people want the plants at Muscle Shoals put into immediate operation. Let us have less talk and more action. [Applause.]

Mr. CLAGUE. Mr. Chairman, some statements have been made as to what the Government receives for the electricity. The evidence before our committee is that for the past year the amount that has been paid is 2 mills per kilowatt-hour. The testimony before our committee was this:

Up until July of last year the agreement called for a flat rate of 2 mills per kilowatt-hour. At that time we made a new agreement with them, whereby they pay 2 mills for all the power they dispose of to foreign companies that they take and an increased amount for hydroelectric power that Wilson Dam makes it unnecessary for them to generate at their steam plants. This year the receipts will amount to about $850,000.

Here is what happens at Muscle Shoals. Under the present arrangement it appears the Government does not have any right to make a contract except for a short time. I agree with what the gentleman from New York [Mr. SNELL] has said. It is time for the United States to take hold of this plant, put our men down there, and have them run it. [Applause.] The testimony before our committee was that there is no question but if the Government would put its men in the operation of this plant, so that they could let a contract for 5, 10, or 15 years, so that the people who wanted to build factories would know they could get this electricity, they would be able to get a much better rate and that then it would be only a year or so before we would be receiving a return of $1,000,000 or $2,000,000 a year. In that way we would get a reasonable return for our money, and I am glad to hear the statement made by the gentleman from New York that unless we can get a favorable proposition from somebody we will stand by the people from Alabama and let the Government go in and do something. [Applause.]

Mr. McSWAIN. Will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. McSWAIN. Does not the gentleman from Minnesota believe that if the Government can not get a fair and just proposition from independent, individual owners fair to the Government, fair to the people, and fair to national defense it would be well for the Government to go in and commence operations; and then, private individuals, seeing that we meant business, would ultimately make us an offer that would take this proposition off of our hands under fair terms.

Mr. CLAGUE. I agree with the gentleman.

Mr. McSWAIN. When we show positive action then they will make us a fair proposition.

Mr. CLAGUE. I agree with the gentleman.

Mr. LOWREY. Will the gentleman yield?

Mr. CLAGUE. Yes.

Mr. LOWREY. Have we not waited long enough in regard to these offers from private individuals; and is it not time to get busy and begin operations under Government supervision without letting this session of Congress go by and permitting the thing to lag another year?

Mr. CLAGUE. I think we have waited too long. We should have commenced before this, and I hope the committee having the legislation in charge will get busy and bring something before the House at this session of Congress.

Mr. LOWREY. I hope so, because I think we have waited too long on private individuals.

Mr. HILL of Maryland. Mr. Chairman, I rise in opposition to the pro forma amendment. Five years ago, in 1921, we first took up the consideration of this matter of Muscle Shoals.

I recollect very well, as a new Member of the House, when the proposition of selling Muscle Shoals to the first bidder—Ford—came along. I was very much in favor of it, because I did not know anything about Muscle Shoals at that time. The Military Affairs Committee then made an inspection of Muscle Shoals and I came back feeling that the theory on which Muscle Shoals had been started—that is, the production of nitrates for defense in time of war and the production of fertilizer for agriculture in time of peace—ought to be carried out. I thereafter fought the Ford offer. Since I have been in this House I have always fought everything that has looked like Government ownership, but I agree absolutely with what the gentleman from New York [Mr. SNELL] has said and with what the acting chairman of the Military Affairs Committee [Mr. JAMES] has said. I think we ought to get busy—and promptly—on this Muscle Shoals proposition.

Mr. Chairman, I want to take this occasion to make a few observations with reference to this pending Army appropriation bill. A little over six years ago the new system of the Appropriations Committee in relation to the legislative committees came into action. There has been a great deal of discussion from time to time as to the relation of a legislative committee, such as the Military Affairs Committee, to a subcommittee of the Appropriations Committee.

This is the sixth Army appropriation bill I have watched, and this is the first one on which there has never been antagonism and some sort of a fight between the Military Affairs Committee—not in the past officially, but personally functioning as individuals—and the Appropriations Committee. This year there was done a thing which I think has been done for the first time since the Appropriations Committee came into existence under its present system, and I think it is a thing which the House should very carefully consider. I have never seen an appropriation bill come before the House that has met with more popular favor in the House, or to which less real antagonism existed. And what happened was this: The Military Affairs Committee, as soon as the Budget came out, took the Budget, in accordance with its duty—because, after all, a legislative committee's duty is to define matters of general policy—and held hearings, some of them executive and some of them open, on the question of the needs of the Army in relation to the recommendations of the Budget. All during this time the Military Affairs Committee, through its acting chairman, the gentleman from Michigan [Mr. JAMES], was in close liaison, in close communication, in close conference with the members of the subcommittee of the Committee on Appropriations, and the Committee on Military Affairs, working from the legislative point of view, I think somewhat assisted the subcommittee of the Appropriations Committee in arriving at what I consider one of the best Army appropriation bills I have seen since the Sixty-seventh Congress.

I think this is a thing the other legislative committees can very properly do. I think there should be no antagonism here on the floor between the subcommittees of the Committee on Appropriations and the legislative committees, but there must be some way in which the legislative committees can cooperate with the Committee on Appropriations. They have done so in this bill, and I want to congratulate the chairman of the subcommittee and the other members of the committee on the way they have presented this bill.

Mr. BULWINKLE. Will the gentleman yield?

Mr. HILL of Maryland. I yield to the gentleman from North Carolina.

Mr. BULWINKLE. The gentleman stated there was no opposition to this bill at all. I am wondering what the gentleman from New York [Mr. LAGUARDIA] has been doing for the past two or three days. [Laughter.]

Mr. LAGUARDIA. The gentleman from New York will speak for himself in a few moments.

Mr. HILL of Maryland. I think the gentleman from New York was voicing his very sincere convictions on certain questions, but an opposition in the sense I used the word is no opposition unless it opposes sucessfully. Therefore there was no opposition.

Mr. BLANTON. Will the gentleman yield?

Mr. HILL of Maryland. I yield to the gentleman.

Mr. BLANTON. There are so few legislative acts of our friend from Maryland of which I can approve that I want to commend him for the very strong fight he made against the proposal to give Muscle Shoals to Henry Ford when we had the matter up two or three years ago. If it had not been for that fight, which was not successful on the floor of the House but was carried on somewhere else successfully, Henry Ford might now have Muscle Shoals and have it beyond the reach of the people of this country. I want to commend the gentleman from Maryland for that.

Mr. HILL of Maryland. I want to thank the gentleman for his suggestion, because I have always considered that the fight that a certain minority of us made in the Military Affairs Committee against the Ford proposal was an illustration of the fact that you can make in the House of Representatives what appears to be a losing fight and yet have it win out ultimately.

Mr. McSWAIN. If the gentleman will permit, no doubt that it is a great consolation to the gentleman from New York [Mr. LAGUARDIA].

Mr. HILL of Maryland. In reference to the relation of the Appropriations Committee to the various legislative committees, I think that it might be very seriously considered whether it would be advisable to have the chairman of the legislative committee and the two ranking party members of said committee sit with the subcommittee of the Appropriations Committee, with possibly the power to vote.

The strength of the Army has been discussed repeatedly from year to year. On January 5, 1927, the Military Affairs Committee held hearings on the recommendations of the Budget for the Army. The Secretary of War and various others from the War Department appeared before the Military Affairs Committee, and since this question of the size of the Army is likely to come up again next year I think it will be beneficial to the House if I included at this point part of the testimony of the Secretary of War, Mr. Davis, and Maj. Gen. Fox Conner, of the General Staff:

Mr. HILL of Maryland. Mr. Secretary, item No. 8 is pay of the Army and item No. 15 is subsistence of the Army——

Secretary DAVIS. Might I suggest, Mr. Chairman, on any of these details, that you call on the officer who handled these items directly. I think they could give it to you much better than I.

Mr. JAMES. Which one would you suggest?

Secretary DAVIS. General Walker or General Conner. I think General Conner is in touch with it all the way through. I suggest that because it short circuits the matter and gives you a direct answer, Mr. HILL. I think they can give it to you much better than I can, at any rate.

Mr. HILL of Maryland. General, item No. 8 is "Pay of the Army," and item No. 15 is "Subsistence of the Army." Now, there is a note in column 22 "The amount allowed by the Budget Bureau November 15, 1926: Average enlisted strength, exclusive of Philippine Scouts, not to exceed 115,000; maximum commissioned strength not to exceed 12,000." Now, the Budget estimate as submitted this year provides for a maximum of 115,000 men; is that correct?

General CONNER. Provides for an average of 115,000, sir.

Mr. HILL of Maryland. An average of 115,000?

General CONNER. Yes, sir.

Mr. HILL of Maryland. Would that mean more sometimes and less at other times?

General CONNER. Yes, sir; it varies slightly above and below, but the amount set up for "Pay of the Army" and "Subsistence of the Army" provides for an average of 115,000 enlisted men, exclusive of Philippine Scouts.

Mr. HILL of Maryland. Now, your maximum enlisted personnel authorized at the present time by general law is 125,000, is it not?

General CONNER. One hundred and twenty-five thousand plus the first increment of the Air Corps. The first increment of the Air Corps is 1,248, so that the authorized strength is 126,248 for the fiscal year 1928.

Mr. HILL of Maryland. Now, your estimate for this year of 115,000 enlisted men means 115,000 less the first increment in the Air Service; that is, your 115,000 men must be reduced by 1,248, in order to compare the strength of the Army, exclusive of the increased Air Corps, with the enlisted strength last year.

General CONNER. That is correct.

Mr. HILL of Maryland. That leaves you 113,752 men?

General CONNER. Yes, sir.

Mr. HILL of Maryland. How many did you have last year?

General CONNER. The appropriation was based on an average strength, or the estimates which were passed by the Congress were based on an average strength of 118,750. We have not been able to maintain that average strength during this fiscal year, however, due in part to errors in estimation, in part to new laws enacted by the Congress—for example, the appointment of a certain number of warrant officers, equalization of the pay of officers retired prior to 1922, etc.

Mr. HILL of Maryland. It was the intention of Congress last year, however, that the enlisted personnel of the Army should be 118,750 men, was it not?

General CONNER. Yes, sir; that is what our estimates were based upon and presumably accepted by the Congress.

Mr. HILL of Maryland. Since that time Congress has authorized the first increment in the Air Corps of 1,248 men; so that would make 119,998 men which, on the basis of the provisions of Congress last year, should be provided for this year, if the same program were kept up.

General CONNER. That number of men would have to be provided for unless other branches of the service were reduced.

Mr. HILL of Maryland. Therefore this present Budget recommendation reduces the enlisted personnel of the Army by 4,998 men, does it not?

General CONNER. Yes, sir.

Mr. HILL of Maryland. Now, I would like to ask you this question: That means, if this Budget goes through as suggested here, that the enlisted personnel of the Regular Army will be about 5,000 men under the authorized strength at the present time; that is, the strength you have asked for?

General CONNER. Yes, sir. We asked for 119,998 enlisted men.

Mr. HILL of Maryland. You asked for 119,998?

General CONNER. That is 118,750, plus the first increment of the Air Corps, which is 1,248, making a total of 119,998.

Mr. HILL of Maryland. Now, it was the explicit intention of Congress that the increased Air Corps should be a real increase in the defenses of the country and not a transfer from some other necessary activity; is not that the case?

General CONNER. That is my understanding. This committee, in reporting out the Air Corps bill, if I remember correctly, included a paragraph in the report which said, in effect, it was the intention to increase the Air Corps without taking this increase away from any other branch of the service.

Mr. HILL of Maryland. That was the intention; there is no question about that. Now, the estimate this year by the Budget makes you short 4,998 men?

General CONNER. Yes, sir.

Mr. HILL of Maryland. About how much increased appropriation would be necessary to give you that 4,998 men, which would make a total, with your air increase, of 119,998? How much increased appropriation, and in what items of the appropriation, would be required?

General CONNER. The total increase required would be $2,242,752. The items are: Pay to the Army, $1,221,711; subsistence of the Army, $663,477; regular supplies, $10,474; clothing and equipage, $313,171; ordnance stores ammunition, $13,951; Army transportation, $19,968; making a total, as I stated before, of $2,242,752.

Mr. SPEAKS. For an increase of how many men?

General CONNER. Four thousand nine hundred and ninety-eight—the difference between 115,000 and 119,998.

Mr. HILL of Maryland. That $2,242,752, distributed over the various items of the appropriation which you have given, would give the 118,750 men, plus the 1,248 of the first increment of the Air Corps.

General CONNER. Yes, sir.

Mr. HILL of Maryland. It would take care of those men adequately?

General CONNER. Yes, sir.

Mr. HILL of Maryland. How did you arrive at the 118,750 men? Congress several years ago, after very, very careful consideration, and after a great deal of opposition on the part of those desiring to reduce the Army, fixed 125,000 as a maximum. Now you ask for 118,750, which is below the maximum.

General CONNER. The Congress has appropriated for several years on the basis of 118,750 enlisted men. The 125,000 is the authorized strength which can not be exceeded; that is, it was the authorized strength prior to the passage of the Air Corps bill of July 2, 1926. There must be a leeway on account of recruiting. For several years that leeway has been 5 per cent, making 118,750 as the average strength, for which the Congress has appropriated for about four years.

Mr. HILL of Maryland. As a matter of fact, under present conditions, is not 3 per cent a better allowance than 5 per cent, which would give you an Army of about 121,250 men, plus the first year's increment in the Air Corps?

General CONNER. Three per cent would be a perfectly satisfactory allowance; it would be possible to maintain, without any difficulty, an average of 3 per cent less than the authorized strength.

Mr. HILL of Maryland. Now, Congress last year intended to give you, exclusive of the Air Corps, of course, an enlisted personnel of 118,750 men; but, because of certain errors in estimation and various other things, is it not true you were really about 8,000 short in your enlisted personnel during the past year?

General CONNER. During the present year, our first estimates as to the number of men who could be maintained without creating a deficit was an average of 110,940, which was a little less than 8,000 short. However, it looks as if we will have to reduce that, and the probabilities are that our average strength during the fiscal year 1927 will have to be kept at about 110,000.

Mr. HILL of Maryland. That means your average strength, under the Budget allowance, will be over 8,000 less than the estimated requirements for the national defense.

General CONNER. Yes, sir.

Mr. HILL of Maryland. I would like to know what the effect on the efficiency of the Army is of this reduction. At the present time, even with your 118,000, most of your units are very greatly skeletonized, are they not?

General CONNER. They are.

Mr. HILL of Maryland. What happens to your skeleton organizations and units when you take 8,000 men out of 118,500; what is the effect on the Army as a whole?

General CONNER. The effect is very bad; the efficiency is decreased very much, not only the potential efficiency in case of necessity for the actual use of troops, but also their training efficiency. You are maintaining an overhead with a very much reduced number of enlisted men; your overhead can not be reduced unless you abandon organizations. So that the effect is manifestly bad.

Mr. HILL of Maryland. Can you conduct the proper drill exercises and proper training for the Army and provide for coordination for the Reserves and National Guard under those circumstances?

General CONNER. The training not only of the Regular Army itself, but of the so-called civilian components, necessarily suffers very much.

Mr. HILL of Maryland. Now, General, after a great many years, Congress worked out the national defense system, which is based on a very necessary coordination between the three elements of the Army—Regular Army, which is mostly for training, the National Guard, and the Reserve. When this whole matter of the number of the personnel came up in the Sixty-seventh Congress, there was a fight on the Navy personnel and a fight on the Army personnel—and they were very bitter fights—as to the number of the personnel. Congress decided then that our minimum needs were 125,000 men, with

certain variations. As I understand it, the War Department since that time has attempted to have and asked appropriations for and Congress thought it was giving 118,750 men; but this year, for the first time, the Budget estimate is such that obviously it cuts that to a little over 110,000. Is that the case?

General CONNER. The Budget estimate for 1928 will support 115,000 instead of 110,000.

Mr. HILL of Maryland. It would support 115,000?

General CONNER. It would support 115,000. The figures that are in the Budget for the fiscal year 1928 will support 115,000, instead of 118,750, and instead of the additional 1,248 for the Air Corps.

Mr. HILL of Maryland. That supports 115,000 less the first increment of the Air Corps, which is 1,248?

General CONNER. That is correct.

Mr. HILL of Maryland. Therefore, as against 118,750 men, which you have always thought you had before, you are going to be 4,998 men short.

General CONNER. The branches other than the Air Corps will have to be reduced by 4,998 men.

Mr. HILL of Maryland. And, in your opinion, that will have a very serious effect on the efficiency of the Army?

General CONNER. Yes, sir.

Mr. HILL of Maryland. And to restore that 4,998 men would take $2,242,752—the amount you gave.

General CONNER. Yes, sir.

On January 8, the Chief of Staff of the Army, Major General Summerall, appeared before the Military Affairs Committee in reference to the Budget estimates for the Army. Some of his statements in reference to the above-quoted statistics in reference to the strength of the Army are very important in reference to the question of the enlisted personnel of the Army, and I quote as follows briefly:

Mr. HILL of Maryland. General, you spoke of your inspections of the corps area troops, and said that very often only two squads would turn out for inspection purposes. How many squads are there in a peace strength infantry company?

General SUMMERALL. We have two organizations. We have some reduced-strength regiments and we have some complete-strength battalions. We have a standard peace strength of eight squads of 64 men. The company totals 82 enlisted men.

Mr. HILL of Maryland. Some of those are riflemen and some are machine-gun men?

General SUMMERALL. In a rifle company there is an automatic rifleman for each squad, and then, of course, in there we have the grenade men as specialists, who are also riflemen. In the machine-gun company they have two platoons.

Mr. HILL of Maryland. In the ordinary peace strength infantry company if you only had two squads turn out, you could not possibly form any coordinated administration?

General SUMMERALL. No; it becomes rather pathetic.

Mr. HILL of Maryland. In a battery of field artillery on a skeleton basis, what is the number of men?

General SUMMERALL. We have 114 men. That supplies the different grades for the service of the guns, the drivers, and so on.

Mr. HILL of Maryland. You have about one-third of those manned?

General SUMMERALL. Yes; about one-third.

Mr. HILL of Maryland. They are not divided into squads, are they?

General SUMMERALL. They are divided into gun sections, each section consisting of the drivers and cannoneers in that section.

Mr. HILL of Maryland. In your inspection of a battery of Field Artillery, how many gun sections would you be able to get out? You would have to have complete units, would you not?

General SUMMERALL. I have turned out gun sections skeletonized. That is, I would often have two or three cannoneers at the guns.

Mr. HILL of Maryland. As against what normal number?

General SUMMERALL. We ought to have six cannoneers, with the noncommissioned officers in addition.

Mr. HILL of Maryland. What about the peace strength of a troop of Cavalry?

General SUMMERALL. I will give you the standard peace strength. A rifle troop, at peace strength, has 69 men.

Mr. HILL of Maryland. Then, as a matter of fact, there is necessarily a standard peace strength required in all organizations?

General SUMMERALL. It is not standard for all organizations. The standard troop strength now is 69 men.

Mr. HILL of Maryland. That is with three platoons?

General SUMMERALL. Yes.

Mr. HILL of Maryland. One of those is an automatic-rifle platoon?

General SUMMERALL. Yes; one of those is an automatic-rifle platoon. Then you have the overhead of the troops in there, with the first sergeant and various noncommissioned officers.

Mr. HILL of Maryland. Unless those units, skeletonized as they are, can have enough enlisted personnel in the lower grades it is utterly impossible to perform the purposes of instruction as well as the purposes of action, if action is needed?

General SUMMERALL. No; they could not even simulate a maneuver.

Mr. HILL of Maryland. I would like to ask if these are the correct figures? To bring the average strength of the Army, exclusive of the first increment of the Air Corps, up to 118,750, and also to provide for the Air Corps increment of 1,248 men, making a total enlisted strength of 119,998, it would take $2,242,752 additional; is that correct?

General SUMMERALL. That is correct.

Mr. HILL of Maryland. In addition to the Budget figure?

General SUMMERALL. Yes, sir.

Mr. HILL of Maryland. That would require an amendment in the item for pay of the Army providing for $1,221,711 additional?

General SUMMERALL. Yes, sir.

Mr. HILL of Maryland. And for subsistence of the Army, $663,477 additional?

General SUMMERALL. Yes, sir.

Mr. HILL of Maryland. And for regular supplies, $10,474 additional?

General SUMMERALL. Yes, sir.

Mr. HILL of Maryland. And for clothing and equipage, $313,171 additional?

General SUMMERALL. Yes.

Mr. HILL of Maryland. And for ordnance stores and ammunition, $13,951 additional?

General SUMMERALL. Yes, sir.

Mr. HILL of Maryland. And for Army transportation, $19,968 additional?

General SUMMERALL. Yes.

Mr. HILL of Maryland. Making a total of $2,242,752?

General SUMMERALL. Yes.

It was stated in these hearings that the above increase, which is less than 1 per cent of the total amount of the Budget for the military activities of the War Department, will increase the efficiency of the Army at least 10 per cent. I again congratulate the Appropriations Committee on having rearranged the Budget figures for the War Department, as has been done with the pending bill. [Applause.]

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the paragraph.

Mr. Chairman and gentlemen, the best proof of the usefulness of carrying on a fight when you think you are right, regardless of the number that may follow you, has been demonstrated this morning. My conservative colleague from New York and other conservative gentlemen on the floor now stand up and admit the wisdom of the fight I waged from the day I was in this House not to give away God's most precious gift to the people of this country—Muscle Shoals. They now admit it is necessary to place it under Government operation.

I was alone in a fight on a resolution which was brought in here in the last days of the Sixty-eighth Congress, but I consistently opposed the giving away of this precious gift to any private company. So when my genial friend from Maryland, and my wet leader for the present [laughter], states there is no opposition to this bill, let me remind the genial gentleman from Maryland that next year if you come in and try to add 4,000 more men, the effectiveness of the fight waged by a few Members here will show itself.

Mr. BULWINKLE. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BULWINKLE. I was wondering if the gentleman from New York construed the remarks of his wet leader to mean that his, the gentleman from New York, fight on prohibition did not amount to anything. [Laughter.]

Mr. LAGUARDIA. Well, I will tell you—I do not think it does just now, do you? [Laughter.] I refuse to fool myself. I absolutely concede that the drys are in an overwhelming majority in this House, and what I am seeking to do is to carry on a campaign of education. I do not believe your folks back home know what is going on, and not until the people of this country know the farce, the crime, the hypocrisy, the graft in the very department that is intrusted with the enforcement of the law will they realize there is something in the fight which we are waging here.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I want to suggest to the gentleman that he first go back to his district and let his folks know what is going on.

Mr. LAGUARDIA. My folks know, and they know what is going on in the gentleman's State of Texas, too.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. LAGUARDIA. I yield to my colleague.

Mr. HILL of Maryland. Mr. Chairman and gentlemen, I am rather surprised that there should be brought into this debate

dealing with Muscle Shoals a question in which I personally have taken some interest, the question of prohibition. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HILL of Maryland. Mr. Chairman, I ask unanimous consent that I may have two minutes.

The CHAIRMAN (Mr. DOWELL). The gentleman from Maryland asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. HILL of Maryland. The question has been raised about the value of apparently forlorn hopes and losing fights. I differ with my distinguished friend from New York with respect to my belief as to what is going to happen in this House on the question of Volsteadism. I was in this House one of a very small group who helped fight against the enactment of the proposed constitutional provision on child labor, by which the Federal Government would go into every farmhouse of this country and attempt to regulate the labor of the people of this Nation under 18 years of age.

Mr. LAGUARDIA. It would be a very wholesome thing if they did it. [Laughter and applause.]

Mr. HILL of Maryland. I will say, Mr. Chairman, that we lost that fight in the House of Representatives but we won the fight in the country and you will never have a Federal child labor amendment, because that is a duty of the States, not the Nation.

Mr. LAGUARDIA. Do not brag about it. [Laughter.] Will the gentleman yield?

Mr. HILL of Maryland. I do not yield to my friend.

Mr. LAGUARDIA. Do not brag about that.

Mr. HILL of Maryland. In the same way the fight that has been made here against the eighteenth amendment will ultimately, and not so long from now, lead to the modification of the Volstead Act. [Applause.]

Beginning with the Sixty-seventh Congress the small group of Members who have been willing to fight openly for the modification of the Volstead Act has increased steadily in each Congress. At the present time 61 of these Members have united under the unofficial name of "The Committee on Modification of the Volstead Act." These 61 Members have particularly fought in this Congress to bring temperance into the Volstead Act. The makeup of this committee on modification of the Volstead Act in the Sixty-ninth Congress has been as follows:

Oscar L. Auf der Heide, New Jersey; Victor L. Berger, Wisconsin; Loring M. Black, jr., New York; Sol Bloom, New York; Henry L. Bowles, Massachusetts; John J. Boylan, New York; Fred A. Britten, Illinois; George F. Brumm, Pennsylvania; John F. Carew, New York; Emanuel Celler, New York; William E. Cleary, New York; John J. Cochran, Missouri; William P. Connery, jr., Massachusetts; James J. Connolly, Pennsylvania; Parker Corning, New York; Thomas H. Cullen, New York; Samuel Dickstein, New York; John J. Douglass, Massachusetts; Charles J. Esterly, Pennsylvania; Lawrence J. Flaherty, California; Thomas A. Doyle, Illinois; Leonidas C. Dyer, Missouri; James A. Gallivan, Massachusetts; Stephen W. Gambrill, Maryland; Benjamin M. Golder, Pennsylvania; John J. Gorman, Illinois; Anthony J. Griffin, New York; Florence P. Kahn, California; Oscar E. Keller, Minnesota; John J. Kindred, New York; Stanley H. Kunz, Illinois; Florello H. LaGuardia, New York; Florian Lampert, Wisconsin; Frederick R. Lehlbach, New Jersey; George W. Lindsay, New York; J. Charles Linthicum, Maryland; Clarence MacGregor, New York; James M. Mead, New York; Charles A. Mooney, Ohio; John M. Morin, Pennsylvania; C. A. Newton, Missouri; Mary T. Norton, New Jersey; David J. O'Connell, New York; James O'Connor, Louisiana; John J. O'Connor, New York; Frank Oliver, New York; Nathan D. Perlman, New York; Anning S. Prall, New York; John F. Quayle, New York; Harry C. Ransley, Pennsylvania; Adolph J. Sabath, Illinois; John C. Schafer, Wisconsin; George J. Schneider, Wisconsin; Andrew L. Somers, New York; John B. Sosnowski, Michigan; A. E. B. Stephens, Ohio; C. D. Sullivan, New York; Millard E. Tydings, Maryland; Edward Voigt, Wisconsin; Royal H. Weller, New York; John Philip Hill, Maryland (chairman).

I said a few minutes ago that we won in the country the forlorn hope in the House against the child labor amendment to the Constitution. I also said that I believe that ultimately the Volstead Act will be modified. It happens that last night before an antiprohibition dinner of over a thousand people at the Benjamin Franklin Hotel in Philadelphia I stated that the war-time wave of governmental centralization as to prohibition and other matters is receding with geometrically increased velocity. I also made the prediction that the elections in 1928 will result in the return of the prohibition question to the States for solution. Under the unanimous consent accorded me by the House I am including in these remarks part of what I said last night, as follows:

The war wave of governmental centralization as to prohibition and other matters is receding with geometrically increasing velocity. In the early days of the Sixty-seventh Congress, six years ago, those of us in the House of Representatives who fought the attempt to take away local self-government through the Volstead Act were laughed at as those who were stirring up dead ashes or mourned a departed corpse. To-day it is the private opinion of three-quarters of the membership of the House of Representatives that the elections of 1928 will result in the return of the prohibition question to the States for solution.

Under our form of government there is no more reason for the regulation by the National Government of the question of drink than there is for Federal regulation of the question of dress. During the war all eyes were turned upon the Government in Washington as the all-powerful instrument for the accomplishment of war success. The people of our Nation were ready to deny themselves anything in order to win the war. Making use of this patriotic sentiment, those who advocated national prohibition obtained the eighteenth amendment, the first direct blow at local self-government on sumptuary matters under the Constitution of the United States. The Volstead Act was enacted as an attempted means of enforcement. At the time of its enactment many States had adopted State prohibition. That was their privilege, and no other State objected to their exercise of the right of local self-government. The eighteenth amendment, however, imposes upon the remaining States of the Nation the views of States which are minority in population on a question on which opinion has differed since the miracle at the marriage feast of Cana in Galilee. The Volstead Act, while imposing an artificial standard of one-half of 1 per cent of alcohol as intoxicating in beverages, set up a specific exemption under which 8 per cent cider and 12 per cent homemade wine of the farmer are permitted.

The Volstead Act is the result of the war wave of governmental centralization on the prohibition question. The reason the people of this Nation are so vitally interested in the Volstead Act is that should this experiment in incursion on local liberty be successful, it will be immediately followed by national legislation on marriage and divorce, child labor, and all sorts of other matters. The Volstead Act was born of the war wave. Norway tried prohibition 10 years ago and Norway has just abandoned its attempt at prohibition. The Prime Minister of Norway in November last said the Norwegians rejected prohibition of strong drinks not because they rejected the idea of temperance but because the majority of them had come to believe that the cause of temperance would be served the better without prohibition. Canada, as the result of the war wave, tried prohibition, but since Ontario has abandoned the attempted prohibition the greater part of Canada has returned to the theory of local self-government.

The elections in 1928 will result in the return of the prohibition question to the States for solution. New York and Illinois both returned great majorities in favor of their referendums for the modification of the Volstead Act. On December 20 last I proposed to the Congress of the United States the following plan for the amendment of the Volstead Act to bring back the rights of the States, even while the eighteenth amendment is in force. This proposal is as follows:

That Title II, section 29, of the national prohibition act, after the words "the penalties provided in this act against the manufacture of liquor without a permit shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home, but such cider and fruit juices shall not be sold or delivered except to persons having permits to manufacture vinegar," is hereby amended by the addition of the following: "The penalties provided in this act shall not apply to a person for manufacturing, selling, transporting, importing, or exporting beverages which are not in fact intoxicating as determined in accordance with the law of any State in which such beverage is so manufactured, sold, transported, imported, or exported: *Provided*, That no such beverage may be transported or exported from such State into any other State unless by the law of such other State the beverage so transported or exported is defined as not in fact intoxicating."

Congress will act on this or a similar proposal as soon as the people back home convince their Representatives that they require action on their part. The war wave of governmental centralization as to prohibition and other matters is receding, and I confidently believe that the elections of 1928 will result in the return of the prohibition question to the States for solution. [Applause.]

Mr. BARBOUR. Mr. Chairman, are we still discussing the point of order on the Muscle Shoals amendment?

Mr. HILL of Maryland. That point of order was sustained. Mr. Chairman, I withdraw my opposition to the pro forma amendment.

The CHAIRMAN (Mr. DOWELL). The Chair understands that before the present occupant took the chair there was a ruling on that point of order. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

FLOOD CONTROL

Flood control, Mississippi River: For prosecuting work of flood control in accordance with the provisions of the flood control acts approved March 1, 1917, and March 4, 1923, $10,000,000.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to speak out of order for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman and gentlemen of the House, I am also glad that in the near future we may expect that the great natural power resource, Muscle Shoals, will be operated by the Government in order to make nitrates for our farmers and for the benefit of the people.

Mr. Chairman, the speakers preceding me made some remarks with reference to the Volstead Act, and the gentleman from Texas, as usual, interjected some of his prohibition views in the wet leader's speech. I wish to read an article appearing in the Milwaukee Journal of Tuesday, January 18, 1927. The said article reads as follows:

PASTOR ATTACKS DRY HYPOCRITES—MEMBERS OF WOMENS' CHRISTIAN TEMPERANCE UNION ATTEND PROHIBITION'S BIRTHDAY PARTY

The wealthy churchman who sponsors prohibition in public but who "takes his little nip" in private, at home or at his club in the company of friends, was criticized as one of the obstacles to the success of prohibition by the Rev. Alpheus Webster Triggs, pastor of Wesley Methodist Church, who addressed members of Womens' Christian Temperance Union chapters of Milwaukee County at the Young Men's Christian Association Monday afternoon.

The occasion for the meeting was the celebration of the seventh birthday anniversary of prohibition in America. Mrs. D. M. Healy, president of the county Woman's Christian Temperance Union organization, presided.

"Let's not fool ourselves about this prohibition business," said the Reverend Triggs. "While conditions are not as bad as the wets are painting them, they are not nearly so bright, either, as the friends of prohibition would make them out. The real situation which we must face is bad enough, and if we would find a remedy we must change our present tactics.

BENEFITS OF DRY LAW

"Prohibition has brought untold benefits to the people of America. Even the wets will admit that.

"But there is a dark aspect to the picture. There is too much drinking going on all about us. Some of it is done openly. Only the other day, on the North Side, I saw a group of young men on a street corner, all of them plainly under the influence of liquor. One of them tried to start his motor car, but he was so intoxicated that he didn't know the back of the car from the front. Fortunately, one of his comrades restrained him from driving.

"We must face facts like these. They are common all about us. Prohibition is being ridiculed in the very homes of its friends and in the places where it should receive its most vigorous support. Police officers, sheriffs, judges, and others invested with responsibility for law enforcement are inclined to wink at open violations. Frequently they even make fun of the dry law and jest about its enforcement.

WETS PLAN ATTACK

"How can we expect the Nation, as a whole, to respect prohibition under such conditions? Prohibition can and will succeed when there is a tightening up all along the line, when all the right-thinking people of America take the issue seriously and say, 'We will enforce this law.'

"The foes of prohibition are mustering their forces in the greatest onslaught they have made since the dry law was inaugurated. They have unlimited resources for their fight. I am convinced, too, that thousands of aliens are coming to our shores for the express purpose of getting rich by trafficking in bootleg liquor. They are ready to kill, if necessary, to attain their ends.

"Two thousand years ago Christianity was a great experiment in the world. It didn't attain supremacy overnight. The victory was won because of the loyalty of a very small minority. The prohibition experiment in America, by comparison, is a very young one. The battle is just beginning."

Mr. Chairman, I believe that this is the utterance of a man who really and truly believes in the present prohibition law, and I feel confident that this pastor would support Congressman LAGUARDIA in his demand for exposing of the corruption that exists in certain law-enforcement branches of our Government.

Mr. BLANTON. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BLANTON. Does the gentleman from Wisconsin indorse the newspaper criticism in the article he just read, where the drys and members of the Woman's Christian Temperance Union were called hypocrites?

Mr. SCHAFER. The pastor did not call them hypocrites.

Mr. BLANTON. That was in the headline the gentleman read, to wit:

Pastor attacks dry hypocrites—Members of Woman's Christian Temperance Union attend prohibition's birthday party.

Mr. SCHAFER. The paper did not call the Woman's Christian Temperance Union women hypocrites. It referred to hypocrites who claim to be in favor of prohibition and preach prohibition and the Volstead law, but do not practice what they preach. These kind of hypocrites are found in great numbers in this Republic. Many are active crusaders in dry organizations and many are in public life and serving in legislative halls.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

For support of the National Home for Disabled Volunteer Soldiers, as follows:

Central Branch, Dayton, Ohio: Current expenses: For pay of officers and noncommissioned officers of the home, with such exceptions as are hereinafter noted, and their clerks, weighmasters, and orderlies; chaplains, religious instruction, and entertainment for the members of the home, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, fire company, and property and materials purchased for their use, including repairs; articles of amusement, library books, magazines, papers, pictures, musical instruments, and repairs not done by the home; stationery, advertising, legal advice, payments due heirs of deceased members: *Provided*, That all receipts on account of the effects of deceased members during the fiscal year shall also be available for such payments; and for such other expenditures as can not properly be included under other heads of expenditure, $83,500.

Mr. SCHAFER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 93, line 25, after the word "expenditures," strike out the comma and insert:

"*Provided further*, That the Comptroller General of the United States shall audit all post funds."

Mr. BARBOUR. To that, Mr. Chairman, I reserve a point of order.

Mr. SCHAFER. Mr. Chairman, I do not think the point of order should be sustained, because this is merely a limitation upon the appropriation. It gives the Comptroller General of the United States authority to audit the expenditures from the post funds, which expenditures amount to about $285,000 annually. In fact, the annual receipts of this post fund have been approximately between $250,000 and $300,000. The receipts are obtained from pensions and estates of deceased members who died without leaving any next of kin.

I wrote to the Comptroller General's office to ascertain whether he made any investigation or audit of the post funds. The post fund is under the supervision of the Board of Managers of the National Homes for Disabled Volunteer Soldiers and amounts to approximately $1,000,000 at the present time. The annual receipts going into this post fund are between $250,000 and $300,000. I was advised by the Comptroller General that he did not audit the post fund because he had no authority to do so. I think, in the interest of economical administration and as a sound business policy, the Comptroller General should audit and have jurisdiction over these funds. I contend, Mr. Chairman, that this is a limitation on the appropriation and therefore not subject to a point of order.

Mr. HILL of Maryland. Mr. Chairman, I am in favor of the gentleman's amendment not only on an appropriation bill but as a separate piece of legislation. I happen to be on the subcommittee that has charge of the soldiers' homes, and I think this fund should be audited. If the gentleman from Wisconsin will introduce a bill, I will see that he gets a hear-

ing. I would like to ask if at the present time the expenditures of the Board of Governors of Soldiers' Homes are audited by the comptroller?

Mr. SCHAFER. Yes; all except this post fund.

Mr. HILL of Maryland. I hope the gentleman will introduce a bill if this point of order is sustained, and he will get a hearing to-morrow.

Mr. SCHAFER. If the point of order against my amendment is sustained, I will introduce a bill covering the subject matter of my amendment.

Mr. BARBOUR. Mr. Chairman, I make the point of order this is legislation on an appropriation bill. As far as the merits of the amendment are concerned, I think the amendment is a good one, but it is legislation on an appropriation bill, and it is something the Members of the House all agree——

Mr. SCHAFER. Will the gentleman yield?

Mr. BARBOUR. Yes; I will yield.

Mr. SCHAFER. The gentleman's first proviso is also legislation on an appropriation bill. There is no authority of law for the language contained therein.

Provided, That all receipts on account of the effects of deceased members during the fiscal year shall also be available for such payment and for such other expenditures as can not properly be included under other heads of expenditure.

Mr. BARBOUR. This item which the gentleman from Wisconsin has read has been carried in the bill for years.

Mr. SCHAFER. But that is no reason to hold it is germane, if there is no general law authorizing the proviso. If that proviso is in order on an appropriation bill, then I think it is a good precedent for my amendment.

Mr. BARBOUR. I assume that, as it has been carried for a good many years, there must be statutory authority for it.

The CHAIRMAN. Does the gentleman from California make the point of order?

Mr. BARBOUR. I do.

The CHAIRMAN. The amendment, the Chair thinks, is clearly legislation, and the point of order is sustained.

The Clerk read as follows:

Subsistence: For pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; food supplies purchased for the subsistence of the members of the home and civilian employees regularly employed and residing at the branch, freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; tobacco; dining-room and kitchen furniture and utensils; bakers' and butchers' tools and appliances, and their repair not done by the home, $430,000.

Mr. SCHAFER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SCHAFER: Page 94, line 10, add the following: "*Provided,* That no expenditure shall be made for the purchase of butterine, oleomargarine, or any other butter substitutes to be issued in lieu of butter."

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from Texas desire to be heard?

Mr. CONNALLY of Texas. Of course, this amendment is offered on the theory that it is a limitation. If it provided that no funds under this bill could be expended for those articles, it probably would be a limitation; but as I heard the amendment read it provides that no butterine or oleomargarine shall be bought "for the purpose of being used as a substitute for butter." When it goes to that extent it involves the positive requirement on somebody to determine the purpose for which this butter is to be used or not used, as the case may be, and I submit that if it takes any positive action by anybody it is not a limitation. If it simply said that no funds shall be expended for the purchase of oleomargarine or butterine, it would be a limitation, I submit; but when it goes further and requires the disbursing officer to make an investigation to find out the purpose for which this product is to be used it ceases to be a limitation and becomes legislation.

The CHAIRMAN. The Chair is ready to rule. The Chair thinks it is a limitation upon the appropriation and in order, and the Chair overrules the point of order.

Mr. SCHAFER. Mr. Chairman, yesterday I discussed the question of serving butterine as a butter substitute at the various National Homes for Disabled Volunteer Soldiers where we care for disabled veterans of many of the Nation's wars. I called to the attention of the House yesterday that the president of the Board of Managers, in answering a question propounded by one of the members of the committee, stated that they did serve all sick patients butter and not butterine. This statement appears in the record of the hearings, but is not based on fact. I have knowledge from personal investigation of the national home that butterine is served in lieu of butter at the general hospital mess. Furthermore, the printed report of hearings before the Appropriations Committee contains menus submitted by the Board of Managers definitely indicating that butterine and not butter is served in the general hospital mess.

Mr. GARRETT of Texas. Is it not part of the gentleman's political faith that the people have a right to eat and drink what they please?

Mr. SCHAFER. I will say to the gentleman that furnishing a disabled veteran butterine is not giving him the right to determine what he shall eat. I have yet to find one of the veterans at the national home, Wisconsin, who desires to eat butterine, that does not contain the vitamins essential to the human body, instead of butter. The menus submitted by the Board of Managers appear on pages 231, 232, and 233 of the printed hearings and show three messes at the northwestern branch—the general mess, the hospital annex No. 1, and the general hospital mess. Said menus definitely state that butterine and not butter is served in the general and the general hospital mess. Most of those veterans who eat at the general hospital mess are patients who are hospitalized on account of disability and disease. They are sick men who have faithfully served this Nation in time of war. I do not think that many Members of Congress have butterine served on their table in lieu of butter. Why should Congress permit the Nation's sick and disabled war veterans to be fed this butterine substitute?

As I stated yesterday, the Wisconsin statutes prohibit the serving of butterine or any similar butter substitutes in lieu of butter to the prisoners in our penal institutions. It is true that good creamery butter would cost more than butterine. The increased cost should not be considered. There are many other places where we could practice economy and reflect greater credit on the American Congress and the American people.

I hope this amendment will be adopted. Let us send a message to the Nation that the American Congress wants the disabled war veterans to have good creamery butter and not butterine.

Mr. BARBOUR. The committee does not feel it necessary to adopt an amendment of this kind in order that sick patients shall be fed butter. The testimony taken before the committee shows that the patients are furnished butter, although some statements show that butterine is listed on some menus of the homes. The testimony of the governors of the soldiers' homes was to the effect that the Bureau of Chemistry of the Department of Agriculture had stated that oleomargarine was as wholesome and good as butter, and that it stands up better than butter. There is a lot of popular agitation concerning oleomargarine and other substitutes for butter, but the committee feels that it is not necessary to be alarmed about furnishing a certain amount of oleomargarine and butterine to the homes.

The fact of the matter is that, so far as cleanliness and wholesomeness are concerned, these substitutes—some of them—are just as good substitutes for butter as canned or condensed cream and milk are for fresh cream and milk.

Mr. SCHAFER. Does the gentleman believe that oleomargarine or butterine contains the health-giving vitamines that butter contains?

Mr. BARBOUR. The gentleman's amendment would not permit the purchasing of any butterine or oleomargarine for any purpose.

Mr. SCHAFER. Yes; you could purchase it for cooking and things like that.

Mr. BARBOUR. The gentleman's amendment says that no expenditures shall be made for the purchase of butterine, oleomargarine, or any of those substitutes for butter.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. BLANTON. As I understand, the contention of the gentleman from Wisconsin is that these veteran soldiers want butter instead of substitutes. If they want it, the gentleman's contention is that we ought to give them what they want. I am in favor of giving them good butter if they want it.

Mr. BARBOUR. I will say to the gentleman that I have seen some oleomargarine that is better than some butter.

Mr. BLANTON. Yes; but you and I prefer to eat butter instead of oleomargarine, and so do Army officers; and we all get butter, so why not give it to the soldiers?

Mr. BARBOUR. If this amendment is adopted, you can not buy butterine or oleomargarine for any purpose. Suppose there

should be a shortage in butter. You could not buy any of these substitutes.

Mr. SCHAFER. I do not believe you are going to have a butter shortage in America. Of course, if you take into consideration the price you will have to pay perhaps more for butter than the price you would pay for butterine or oleomargarine.

Mr. BARBOUR. When the Board of Managers were before our committee we went carefully into this matter of subsistence at the soldiers' homes, and we told the governors that the Members of this House and of the committee wanted the inmates of the soldiers' homes to be fed properly, and if the funds carried in the bill were not sufficient properly to feed these men, then they should feed them properly and come back to the committee for a deficiency. With that instruction they have the power now to buy butter if butter is found to be more satisfactory that oleomargarine or butterine. There might be occasions when they would have to buy oleomargarine, and under this amendment they would not be able to do it.

Mr. McKEOWN. As a matter of fact, as to its food value and the purity of it, oleomargarine is just as pure as a good deal of the butter that is sold in the market.

Mr. SCHAFER. How would the gentleman from California construe it if I amended the amendment by substituting the words "for table use"?

Mr. BARBOUR. I can not see any use of the amendment at all.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. SCHAFER. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin demands a division.

The committee divided; and there were—ayes 16, noes 41.

Mr. SCHAFER. Mr. Chairman, I object to the vote. There is not a quorum present. No; on second thought, I will withdraw that.

The CHAIRMAN. The amendment is rejected. The Clerk will read.

The Clerk read as follows:

Farm: For pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers; tools, appliances, and materials required for farm, garden, and dairy work; grain and grain products, hay, straw, fertilizers, seed, carriages, wagons, carts, and other conveyances; animals purchased for stock or work (including animals in the park); gasoline; materials, tools, and labor for flower garden, lawn, park, and cemetery; and construction of roads and walks, and repairs not done by the home, $28,000.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 95, line 17, after the word "farm," strike out the following words: "For pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers; tools, appliances, and materials required for farm, garden, and dairy work, etc., $28,000."

Mr. BLANTON. Mr. Chairman, this $28,000 is not appropriated for the farmers of the country. It is merely for a farm that is conducted by the War Department. It is the War Department's farm. There is nothing in here for the farmers represented by our friend from Iowa [Mr. DICKINSON]. The only chance on earth for the farmers of the United States to get anything out of this $358,000,000 bill, or any other appropriation bill, is to decrease the expenditures of the Government. When you decrease the expenditures you decrease the taxes, and I am for decreasing expenditures and thereby decreasing taxes in every single avenue where it is possible.

I will make a motion before its final passage to recommit this bill to the Committee on Appropriations, seeking to take out of this bill the 3,750 men that are provided for in this bill which the Budget did not recommend.

Every item that will be in that motion to recommit will be an item that pertains only to these 3,750 extra men not recommended by the Budget. In other words, we take out $916,650 under "Pay of the Army" for these 3,750 men. We take out, if the motion to recommit is adopted, $495,353 that is under the head "Subsistence in the Quartermaster's Department" for these 3,750 men. We take out of regular supplies in the Quartermaster's Department $7,269 that is for these 3,750 extra men. We take out of the clothing item $234,077 that is for these 3,750 extra men not recommended by the Budget, and if you will pass the motion to recommit you will take out the further sum of $10,819 under the munitions item for these 3,750 extra men not recommended by the Budget. If you support my motion to recommit, you will take these 3,750 additional men out of the bill, and thus keep from adding them to our present Army.

It is just a plain proposition that you will be asked to vote upon. Do you want in the Army these 3,750 additional men that the Bureau of the Budget does not recommend and that the President does not recommend, because it is the President's program which has been outlined by the Bureau of the Budget? The Bureau of the Budget are the representatives of the President speaking here to Congress to carry out his financial program and his program for national defense on the floor of this House.

What are you going to do, you Republican Party men and you Republican administration men? I am going to support your President. I am going to support your Bureau of the Budget; I am going to support your Republican administration on this proposition to not increase our Army with these 3,750 additional men. [Applause.] But I am not going to vote with the big bunch of you who are trying to override the President and trying to override your Bureau of the Budget. I know that I will be in a small minority. I am not going to vote with my friend from New York [Mr. WAINWRIGHT] who speaks for these big Army men and these big Navy men every time the question arises in this House. I will not vote with him.

Mr. WAINWRIGHT. All we are going to do is to vote for the national defense.

Mr. BLANTON. I know. I have watched the galleries, the lobbies, and the streets of Washington for the last two or three weeks, when all of these big Navy men have had their representatives here and these big Army men have had their representatives here watching us for the purpose of trying to make us do their will. You all are doing it, but I am not with you on it.

You are going to have a straight, clean-cut proposition to vote on. Are you in favor of the 3,750 extra men not recommended by the Budget or are you against it? If you are against adding these 3,750 additional men to our Army, then why can not you support the motion to recommit? If you are for adding 3,750 men to the Army, then, of course, you will vote with the committee and against my motion to recommit. I am not afraid to vote by myself when I know that I am voting right and for the best interests of the American people.

Mr. DICKINSON of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. BLANTON. Mr. Chairman, it is a pro forma amendment offered merely to give me the floor, and I will ask leave to withdraw it when the gentleman has finished his statement, as this was the only opportunity I would have to discuss the motion to recommit which I intend to offer just before we finally vote on this bill.

Mr. DICKINSON of Iowa. Mr. Chairman, the gentleman from Texas is laying great stress on the fact that you are going to vote against the Budget. Remember that the total of this bill is less than the amount recommended by the Budget [applause], and he now wants to allocate certain items we have increased; he is putting particular emphasis on those items and saying that if you vote for those increases you will vote against the Budget. That is an absolutely unfair statement. The bill contains numerous items of increases and other items that have been reduced.

Mr. BLANTON. I got those figures from the chairman of the subcommittee [Mr. BARBOUR], and he assured me that they relate only to the 3,750 additional men provided for in this bill that were not recommended by the Budget.

Mr. DICKINSON of Iowa. There is no question about the items. What I am saying is that the gentleman from Texas picks out certain items and is trying to strike out those items but leaving other items in the bill. If you are going to adopt the policy of making a reduction in the Army, you ought to reduce it in all of its component parts and not pick out certain items as the gentleman from Texas has in this case.

The contention is that we are increasing the Army too much. I do not pose as an expert in determining just what the personnel of the Army ought to be, but I do believe we ought to have a balanced Army. If you are going to have in the bill your guard items, your reserve items, and your training items increased, you ought also to increase your Regular Army, because the Regular Army is the teacher of those component parts of the Army. As I say, the gentleman from Texas has simply picked out items which would mean a reduction in the

Regular Army, but he is leaving all of these other civilian component parts of the Army in the bill at the increased amounts.

Mr. BLANTON. The gentleman ought to be fair enough to yield on that.

Mr. DICKINSON of Iowa. I yield.

Mr. BLANTON. I have been assured by the chairman of this subcommittee [Mr. BARBOUR] that the items I have mentioned, and which I say should be knocked out on a motion to recommit, are the very items which apply only to these 3,750 extra men who were not authorized by the Budget, and only to them.

Mr. DICKINSON of Iowa. That is just what I am saying, but I do not seem to be able to impress it upon the gentleman from Texas. The gentleman from Texas has picked out certain items that apply to the Regular Army, but is willing to leave in the bill increases for the National Guard, the Reserve officers, and clear along the line.

Mr. BARBOUR. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BARBOUR. And is it not a fact that this bill provides for the same number of men in the Regular Army as were provided for this year and for the past four years and no more?

Mr. DICKINSON of Iowa. Absolutely; and another thing, these increases were suggested by the man who has been in charge of the Army bill on the floor of this House for several years—ever since the organization of the Committee on Appropriations in its present form—the gentleman from Kansas [Mr. ANTHONY]. [Applause.] I was glad to get the report the other day that the gentleman expects to be back in Kansas at his old home town in the early springtime and that he is going to be a candidate for reelection and expects to be with us in the future, the views of some of his opponents out there to the contrary notwithstanding. [Applause.]

I now want to discuss another part of the bill. I went on this subcommittee simply to render what little service I could in trying to bring out a balanced Army bill. If you are going to have an Army, if you are going to have national defense, let us have a balanced national defense. Two years ago I made the statement here on the floor of the House that I was fearful that, in view of the fact that the different components of our Army were fixed by political propaganda on the floor, we might have a lopsided Army with too large a civilian component or too large a Regular Army component. We have spent four or five years now, following the war, in trying to get a balanced Army. I believe whenever you reduce the Regular Army you ought to make the same reductions all along the line. When you increase the civilian components of your Army you ought to increase the Army all along the line. In other words, the best students of national defense have found there should be a well-balanced Army, so far as personnel is concerned.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DICKINSON of Iowa. At that time I made the suggestion that, in my judgment, sooner or later, we would reach the point where we would have to fix by percentages or by ratios the Regular Army, the National Guard, the reserves, and the amount of training. I do not know now that we need that because, as time goes on and as the heat of our war dies down, as we find the pressure from citizens all over the country less strong, we are able, if you please, to work out a balanced Army and carry it through in the appropriation bill. This is done by three separate components of the Government: First, the Army; next, the Budget; and third, the Congress.

My entire plea here now is that if we are going to do anything, let us keep this Army in balance. If you reduce your Regular Army to where they can not train the officers in the Reserve, or where they can not train the National Guard, you are simply making your National Guard inefficient and at the same time crippling the regular organization. This being the case, I thought we ought to have legislation; but as time goes on, as I have said, I find that is no longer necessary. I find that the Reserves are no longer trying to influence us by telegrams which used to come in here on the floor of the House, when we were considering the Army bill, by the hundreds, seeking to increase their particular component of the Army and let the others stay at a lower ratio. In other words, we are getting a better understanding with the Army, with the reserve organization, with the National Guard organization, and there is harmony all along the line; and if we can maintain this harmony, we do not need legislation, but will have a balanced Army as we go on into the future.

I am in favor of the reduction of taxes. I would like to see taxes as low as we could possibly get them; but if we reduce our Army below where it is a good police force for our country, we are then endangering our country. In my little town of 3,000 people out in northwestern Iowa we employ three policemen. Maybe we could get along with two, or maybe we could get along with one; but I believe that every good citizen there who has property and who has a family to protect is willing to pay something for protection, and we need this protection from the standpoint of the Government.

Mr. BLANTON. Now, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BLANTON. I am strongly in favor of the provision of this bill which gives our National Guard 15 full days of actual training and pays them for the actual time they use in going to and from their homes.

Mr. DICKINSON of Iowa. But the gentleman wants to reduce the Regular Army to a point where they can not give them that training efficiently on account of not having sufficient personnel to carry it out.

Mr. BLANTON. No; but I want to keep these 3,750 additional men not recommended by the Budget out of this bill.

Mr. DICKINSON of Iowa. But the Budget, in that recommendation, not only recommended that reduction, but they recommended a reduction in your guard; they recommended a reduction in your reserves, in your Reserve Officers' Training Corps, and in every one of the civilian components of the Army. The gentleman from Texas has picked out this one item and states that this is the one that ought to be reduced, while he is willing that all the others should stay at the maximum amount. [Applause.]

Mr. KETCHAM. Will the gentleman yield at that point?

Mr. DICKINSON of Iowa. Yes; I yield to the gentleman.

Mr. KETCHAM. Will the gentleman indicate when the Budget recommendation was made on the items now in controversy?

Mr. DICKINSON of Iowa. I think it was some time in July.

Mr. KETCHAM. If the recommendations were made at or about the time the gentleman states, was there any suggestion then of any possible danger such as now threatens?

Mr. DICKINSON of Iowa. No.

Mr. BLANTON. Oh, it is foolishness to talk about any danger. There is not any danger.

Mr. KETCHAM. Let that be as it may; so far as a mere police force is concerned, is not this little increase—if there is an increase—entirely defensible and altogether the wise thing to do at this time?

Mr. DICKINSON of Iowa. In my judgment it is, I will say to the gentleman from Michigan.

Mr. CLAGUE. Will the gentleman yield?

Mr. DICKINSON of Iowa. I yield to my colleague.

Mr. CLAGUE. Is it not the fact that 1,248 of these men are for the air force, which I am sure the gentleman from Texas voted for only a year ago?

Mr. DICKINSON of Iowa. Yes; it was put in by legislation enacted by this House, and I suspect the gentleman from Texas voted for it.

Mr. BROWNING. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BROWNING. With respect to the gentleman's statement about the bill coming under the Budget recommendation, does not the gentleman mean that in order to do that they had to use funds that were left over, and does not this bill carry approximately between $8,000,000 and $10,000,000 more than the Budget calls for?

Mr. DICKINSON of Iowa. There were few unexpended balances. Here is a big proposition. In the pay of the Army, in the transportation of the Army, they are absolutely prohibited from running into debt. The result is that with the closest calculation they will come to the end of the year with many items of unexpended balances, amounting, in all, to a considerable amount. There is no reason why they should not be used. It has been dedicated by Congress for national defense, to be used in behalf of the Army, and we are giving them the right to use it.

Mr. BROWNING. I am not objecting to the use of it; I am simply calling attention to the fact.

The CHAIRMAN. The time of the gentleman from Iowa has expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For maintenance and operation of the Panama Canal; salary of the governor, $10,000; purchase, inspection, delivery, handling, and storing

of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales, payment in lump sums of not exceeding the amounts authorized by the injury compensation act approved September 7, 1916, to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; in all, $5,830,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal act.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from California for clarification of the item respecting the National Guard Militia pay. I had a telegram from the adjutant general of my State indicating that the National Guard were very much concerned about the adequateness of that appropriation to take care of the 17-day period which is necessary for the holding of the national camps—that is, 15 days in camp, one day going and one day coming, including travel pay. I want to know whether the provisions of the bill are adequate to meet the situation.

Mr. BARBOUR. The officers of the Militia Bureau testified that the amount now carried in the bill would be sufficient to insure the full 15 days' training at the camps and the 48 armory drills. It will take care of 15 days' training in the same way as in the past.

Mr. BRIGGS. General Hammond says it takes a day to come and a day to go; and if they had to take two days coming and going, they would not get 15 full days at camp. There would be only 13.

Mr. BARBOUR. Before the item was increased it was estimated that the day going and the day returning would be part of the 15 days. But we have increased the item so that they will get the full 15 days' training at camp and give them also a day for going and a day for returning.

Mr. BRIGGS. And they will receive travel pay?

Mr. BARBOUR. They will receive travel pay.

Mr. CONNALLY of Texas. May I ask the gentleman a question? Does the gentleman say that 15 full days in camp will be had, and that there will be an allowance for travel coming and going?

Mr. BARBOUR. They will get the full 15 days in camp and receive travel expenses and whatever allowances they would be entitled to going and coming. In other words, it adds two days from the time they leave home until they get back, so it gives them the full 15 days.

Mr. CONNALLY of Texas. Do they get compensation for the two days coming and going or simply mileage?

Mr. BARBOUR. They get the compensation—traveling expenses from the time they leave home until they get back.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and the purchase of artificial limbs or other appliances for indigent persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, $670,000.

Mr. ROY G. FITZGERALD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, yesterday my colleague from Ohio addressed the House expressing his disappointment that the Senate had failed to agree to the Geneva protocol signed June 17, 1925, seeking to eliminate by treaty the use of gas in warfare, and the Washington Post this morning alludes to his remarks by a heading, "BURTON assails Legion agent."

I do not assume to speak for the American Legion, but I do wish to call the attention of Members of Congress to the very great abhorrence which we all have against the use of gas. My good friend yesterday said, quoting from a committee report, "Chemical warfare is cruel and unfair." Why, of course, it is cruel and unfair, and it is cruel and unfair to use the bayonet in war. Nor can I see the kindness in shooting to pieces the bodies of human beings on the battle fields with shrapnel and high explosives. I can not see any kindness or any fairness in war of any character. I do wish to call attention of the Members of this House that nowhere has there been a provision of any guaranty that if we enter into any treaty or treaties for the elimination of poison gases or similar agents in war that there can be any assurance of the observance of the treaty on the part of other nations. [Applause.] That is the whole difficulty. The American Legion does not stand for the use of any cruel weapon. It does not stand for war. It does stand for the maintenance of peace and protection of the American people. Treachery and double dealing are foreign to the character of our people. If we make treaties, we observe our obligations. But this has not been true of European diplomacy since and before the days of Machiavelli. We had an example of treachery in the late war.

Treaties had been made by Germany for the protection of the boundaries of Belgium, and Belgian territory was to be inviolate. Yet Germany, not with the excuse of defense but in an offensive campaign, alluded to and treated the provision of the treaty as a "scrap of paper."

Poison gases are a product of activities in commercial chemistry. They are closely related and almost identical with chemicals for dyes, medicines, and many legitimate uses.

I can not conceive it possible that any treaty, no matter how faithfully observed, would prevent commercial chemical plants being in readiness to manufacture war gases. Nor can I conceive it possible that any nation pushed to an extremity in a war might not be tempted to use any weapon at hand. Nor can I believe that the world has progressed so far that a nation at war, pressed to a choice between defeat and the observance of the sanctity of "a scrap of paper," might break its word.

If good faith could be secured, I am convinced that opposition to the protocol would turn to joyful support. A treaty prohibiting the use of war gas would offer a greater temptation and reward for treachery than on ordinary matters. The people who put their faith in such a treaty would be put to dreadful risk; punishment for their credulity might be terrible. No assurance seems to be offered or capable of being offered that use of this truly dreadful weapon of modern warfare could be prevented with a certainty that would not put in the gravest danger that nation which was the more honorable and the more trusting.

My colleague seemed to blame the American Legion for the defeat of the protocol in the Senate. I believe that my good friend from Ohio was mistaken in his idea that the American Legion does not understand the question and in ignorance backs up its own resolutions. The American Legion stands for peace. It has abhorrence of war and of these and other weapons of war, yet and still it has at heart the wit and the will to defend America and her institutions. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read to page 102, line 25.

The Clerk resumed and concluded the reading of the bill.

Mr. BARBOUR. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 16249, the War Department appropriation bill, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BARBOUR. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment; if not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Motion to recommit by Mr. BLANTON: Mr. Speaker, I move to recommit this bill to the Committee on Appropriations with instructions to report the same back to the House forthwith, amended as follows, to wit: On page 10, line 9, strike out "$49,148,803" and insert in lieu thereof the sum of "$48,231,153"; and on page 16, in line 17, strike out "$17,676,923" and insert in lieu thereof "$17,181,570"; and on page 19, in line 24, strike out "$12,925,279" and insert in lieu thereof "$12,918,010"; and on page 21, in line 8, strike out "$6,571,995" and insert in lieu thereof "$6,337,018"; and on page 50, in line 18, strike out "$2,864,521" and insert in lieu thereof "$2,853,702."

Mr. BARBOUR. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. HARRISON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BLANTON. Does not the gentleman want to let us have a vote on this proposition?

Mr. HARRISON. I have made my point of order of no quorum.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present——

Mr. BLANTON. That will keep us from having a vote.

The SPEAKER. Clearly there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 12]

Allen	Douglass	Madden	Sullivan
Allgood	Eaton	Manlove	Swartz
Almon	Ellis	Martin, La.	Swoope
Anthony	Englebright	Mead	Taylor, Colo.
Ayres	Foss	Menges	Taylor, N. J.
Barkley	Frear	Michaelson	Taylor, W. Va.
Bell	Fredericks	Mills	Thomas
Berger	Freeman	Montgomery	Tillman
Bixler	Funk	Mooney	Tincher
Bloom	Gasque	Morin	Updike
Brand, Ohio	Golder	Nelson, Wis.	Upshaw
Britten	Goldsborough	Newton, Mo.	Vaile
Buchanan	Gorman	O'Connor, N. Y.	Vinson, Ga.
Butler	Graham	Oliver, N. Y.	Walters
Canfield	Hoch	Patterson	Warren
Carew	Howard	Peavey	Wefald
Celler	Hudspeth	Perkins	Welch, Calif.
Chindblom	Hull, Tenn.	Perlman	Welsh, Pa.
Cleary	Johnson, Wash.	Phillips	Wheeler
Collier	Kiefner	Prall	White, Kans.
Connolly, Pa.	Kindred	Purnell	White, Me.
Cooper, Ohio	King	Quayle	Wingo
Coyle	Kirk	Rainey	Winter
Crisp	Knutson	Reed, Ark.	Wood
Crumpacker	Kunz	Robsion, Ky.	Woodrum
Curry	Lee, Ga.	Scott	Woodyard
Dallinger	Lindsay	Sears, Fla.	Wyant
Dempsey	Lineberger	Sproul, Ill.	
Dickstein	McFadden	Stephens	
Doughton	McLaughlin, Mich.	Strong, Pa.	

The SPEAKER. On this vote 315 Members have answered "present"—a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

Mr. BLANTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. The membership having come in, and there now being a quorum present, would it be in order to let them understand the nature of this motion, for the Speaker to advise them that it is only to cut out the 3,750 men who were not recommended by the Budget?

The SPEAKER. No. The gentleman from Texas is out of order. The question is on agreeing to the motion of the gentleman from Texas to recommit the bill.

Mr. RAMSEYER. Mr. Speaker, may we have the motion again reported?

The SPEAKER. Without objection, the Clerk will again report the motion. Is there objection?

There was no objection.

The Clerk read as follows:

Motion to recommit by Mr. BLANTON: Mr. Speaker, I move to recommit this bill to the Committee on Appropriations with instructions to report the same back to the House forthwith, amended as follows, to wit: On page 10, in line 9, strike out "$49,148,803" and insert in lieu thereof the sum of "$48,231,153"; and on page 16, in line 17, strike out "$17,676,923" and insert in lieu thereof "$17,181,570"; and on page 19, in line 24, strike out "$12,925,279" and insert in lieu thereof "$12,918,010"; and on page 21, in line 8, strike out "$6,571,995" and insert in lieu thereof "$6,337,018"; and on page 50, in line 18, strike out "$2,864,521" and insert in lieu thereof "$2,853,702."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 19, noes 235.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Nineteen gentlemen have arisen—not a sufficient number. The request is refused. The motion to recommit is rejected. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division on the vote.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 235, noes 4.

So the bill was passed.

On motion of Mr. BARBOUR, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TREASURY AND POST OFFICE APPROPRIATION BILL

Mr. VARE. Mr. Speaker, by direction of the Committee on Appropriations I submit for printing under the rule a conference report and accompanying statement on the bill (H. R. 14557) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1928, and for other purposes.

The SPEAKER. The gentleman from Pennsylvania submits for printing under the rule the conference report on the bill H. R. 14557, the Treasury and Post Office Departments appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 14557) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1928, and for other purposes.

The SPEAKER. Ordered printed.

FIRST DEFICIENCY BILL, 1927

Mr. WOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the first deficiency appropriation bill.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16462, the first deficiency appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16462, the first deficiency appropriation bill, 1927, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes.

Mr. WOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. WOOD. Mr. Chairman, I will ask the gentleman from Tennessee, Can we have some arrangement as to the division of time?

Mr. BLANTON. Mr. Chairman, I make the point of order that that should have been done in the House.

Mr. WOOD. I ask the gentleman from Tennessee if we can agree upon limitation of time?

The CHAIRMAN. It is in order for the committee to fix the time by unanimous consent, there being no contrary order fixed in the time made by the House.

Mr. WOOD. I ask to be recognized for one hour.

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. WOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. SUMMERS].

The CHAIRMAN. The gentleman from Washington is recognized for 20 minutes.

Mr. STEVENSON. Will the gentleman yield to me for a moment first?

Mr. SUMMERS of Washington. Yes.

Mr. STEVENSON. Mr. Chairman, I have asked the gentleman from Washington to yield to me to make an announcement about the McFadden bill.

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. SUMMERS of Washington. Yes.

Mr. BLANTON. Mr. Chairman, I make a point of order, just in the interest of orderly procedure. I make the point of order that where there has been no division of time arranged in the House for the procedure in the committee, that when a gentleman is recognized for an hour on the floor in

his own right in the Committee of the Whole House on the state of the Union, it is not in accordance with the rule for him to yield time and parcel his hour out to others in their own right. I have no objection to his yielding time, but I am making this point merely to have the rules of procedure adhered to. He can not parcel out his hour to other Members in their own right.

The CHAIRMAN. The Chair overrules the point of order.

Mr. STEVENSON. I desire to announce that many Members have asked me when the McFadden bill will come up for action, and I have uniformly told them it would be next Tuesday. I have a communication from Mr. McFADDEN now in which he says he expects to call it up on next Monday. I just wanted to make that announcement while so many Members of the House are present—that there has been a change in the day on which that bill will be called up.

Mr. SUMMERS of Washington. Mr. Chairman, manufacturing was stabilized and made profitable by the Federal Government while economists disagreed.

Railroading was stabilized and put on a paying basis by the Federal Government, while railroads themselves fought stabilization.

Labor has been stabilized by many acts of the Federal Government.

Banking was stabilized by the Federal Government over the stern opposition of world-famous financiers.

Amity between capital and labor is secured by Federal legislation to the general satisfaction of all.

Who will say that agriculture, the peer of them all, is entitled to less and shall not be stabilized?

Mr. Chairman and gentlemen, I am vitally interested in agriculture, as you all know.

I am concerned with the condition of the man in the field.

The ultimate prosperity of this country and my State are deeply involved.

I have known farm problems from my earliest childhood. I know them to-day from personal experience. They are not imaginary nor of the farmers' making.

Yea, the plight of agriculture is known of all men. Details are unnecessary. I remind you that the plight of agriculture is not a local condition nor a local problem. It directly involves 50,000,000 of our people and indirectly touches every industry in the United States and every citizen of the Republic.

I raise the question at this time as to whether we shall legislate or refuse to legislate because of prejudice. Shall we take action in regard to the most important piece of legislation that is coming before the Congress at this session because of preconceived views, which were formed two or three years ago? I raise the question as to whether the Federal Government can stabilize a nation-wide industry. That question is often raised when farm legislation is under consideration. I maintain that we have, to a very great extent, stabilized railroading, banking, manufacturing, and laboring conditions in this country, and many others of nation-wide scope.

THE SURPLUS CONTROL BILL

I want to talk to you now in regard to the surplus control bill, which is the least complicated of any effective measure that has been before Congress during recent years. I urge you to study the simplicity and the fairness of this measure. The first section reads:

> It is hereby declared to be the policy of Congress to promote the orderly marketing of basic agricultural commodities in interstate and foreign commerce and to that end to provide for the control and disposition of surpluses of such commodities to prevent such surpluses from unduly depressing the prices obtained for such commodities to enable producers of such commodities to stabilize their markets against undue and excessive fluctuations, to preserve advantageous domestic markets for such commodities, to minimize speculation and waste in marketing such commodities, and to encourage the organization of producers of such commodities into cooperating marketing associations.

I assume no Member would find fault with that first section.

Section 2 provides that the Secretary of Agriculture and 12 members, appointed by the President of the United States with the advice and consent of the Senate, shall constitute a Federal farm board. The members of this board are to be representative of the entire country. It is provided that there shall be a nominating committee in each of the 12 Federal land bank districts, consisting of five members, four of the members being selected by farm organizations and cooperative associations, and one of the members shall be selected by the Secretary of Agriculture.

I want you to notice that the President of the United States and the Secretary of Agriculture have a guiding hand, so to speak, on this legislation all the way through, which guarantees to all a square deal. Then we find that each nominating committee shall submit to the President the names of three individuals from its district eligible for appointment to the board. Nothing could be fairer. Then come the qualifications and terms of the board members, and there is nothing controversial in that. Then the general powers to designate and appoint a member to act as chairman, and that they shall report each year to the Congress. Then the special powers and duties.

SAFEGUARDS

The board shall meet at the call of the chairman or of the Secretary of Agriculture or of a majority of its members. Certainly there are three safeguards. The board shall advise cooperative associations, farm organization, and producers in the adjustment of production and distribution in order that they may secure the maximum benefits under this act. To my mind that is one of the most beneficial provisions in the whole bill, and one that will prove very effective because here will be a board devoting itself wholly to the study of agricultural conditions and production throughout the world, and the United States in particular. The board will have its eye on planting, production, surpluses, and world conditions. It will be in position to advise cooperatives, individuals, and farm groups. Its advice and counsel will carry great weight because of the official position which the board will occupy, because of its facilities for acquiring information and because it will be recognized as the farmers' friend.

CONTROL AND DISPOSITION OF SURPLUSES

For the purposes of this act, cotton, wheat, corn, rice, and swine shall be known and are referred to as basic agricultural commodities. But observe that the next paragraph makes, the bill applicable to fruits, dairy, poultry, and other products under certain conditions:

> Whenever the board finds that the conditions of production and marketing of any other agricultural commodity are such that the provisions of this act applicable to a basic agricultural commodity should be made applicable to such other agricultural commodity, the board shall submit its report thereon to Congress.

I want you to note this, you who think the scope of the bill should be broadened or that the board has too much power.

It is not at liberty to embrace all of agriculture, but on investigation it may find that in its opinion it is advisable that other products should be controlled by the board and it then submits that report to Congress for further action.

Whenever the board finds a surplus above the domestic requirements for wheat, corn, rice, or swine, or a surplus above the requirements for the orderly marketing of cotton, or of wheat, corn, rice, or swine, and that both the advisory council and a substantial number of cooperative associations or other organizations representing the producers of the commodity favor the full cooperation of the board in the stabilization of the commodity, then the board shall publicly declare its finding and commence operations in such commodity. There are safeguards, as you will see, placed throughout this bill. Arbitrary authority is not given to this board, although it is very, very carefully selected, and no doubt will be a well-balanced and capable board. Any decision by the board relating to the commencement of such operations shall require the affirmative vote of a majority of the appointed members in office. Now, listen!

SELF-CONTROL BY EACH COMMODITY

The board shall not commence or terminate operations in any basic agricultural commodity unless the members of the board representing districts, which in the aggregate produced during the preceding crop year more than 50 per cent of such commodities, vote in favor thereof. In other words, the wheat men can not control and dictate to the corn men nor to the cotton men; the wheat and corn men can not dictate to cotton and cotton can not dictate to wheat. There are safeguards in this bill which, as I recall, were never placed in any other bill, and at the same time it is very much simpler in its provisions.

During such operations the board shall assist in removing or withholding or disposing of the surplus of the basic agricultural commodity by entering into agreements with cooperative associations engaged in handling the basic agricultural commodity. Such agreements may provide for the payment out of the stabilization fund hereafter established for the basic agricultural commodity, of the amount of losses, costs, and charges of any such association, corporation, or person, arising out of the purchase, storage, sale, or other disposition, and it also provides for the distribution of profits in case of profits instead of expenses.

COOPERATIVES FIRST

If the board is of the opinion that there is no such cooperative association or associations capable of carrying out any such agreement, the board may enter into such agreements with other agencies, but the cooperative associations and the well-organized farm groups are given the first preference because they have been studying the question of production and marketing and are in the best position to carry out the provisions of the bill.

If the board is of the opinion there are two or more capable cooperative associations they shall not unduly discriminate.

Then follows a provision that the bill shall have the same application in respect of the food products of the commodity as it has with respect to the commodity itself.

Then comes a provision regarding the commodity advisory council. Notice this:

ADVISORY COUNCIL

The board is hereby authorized and directed to create for each basic agricultural commodity an advisory council of seven members fairly representative of the producers of such commodity. Members of each commodity advisory council shall be selected annually by the board from lists submitted by cooperative marketing associations and farm organizations determined by the board to be representative of the producers of such commodity. Members of each commodity advisory council shall serve without salary—

And so on.

The importance of this provision is that instead of selecting a group of men for a term of years who might go off on a tangent, they must be selected yearly. If the board is going to operate in behalf of corn, for instance, or wheat or cotton, it can only be done at the request of the producers of that commodity themselves; then there must be a special advisory council of seven men who are familiar with that particular commodity, and they must give their advice and counsel to the board.

FARMERS AND THEIR BOARD CONTROL

Each commodity advisory council shall meet twice in each year and shall confer directly with the board, shall call for information from the board, and make representations to the board in respect of the commodity represented by the council in regard to the time and manner of operation by the board and the amount and methods of collection of the equalization fee and all matters pertaining to the interests of the producers of the commodity, and shall cooperate with the board in advising producers, cooperative associations, and farm organizations in the adjustment of production in order to secure the maximum benefits under the act.

All of this sets up very simple machinery, directly connected with the farm organizations of the country, for advising and carrying out the provisions of the act. In my opinion it will go far toward reducing surplus production.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield for a short question.

Mr. NEWTON of Minnesota. I have not had a chance to examine the bill, and I am wondering what is the process or the procedure after the control commences in reference to the price that will be paid, for example, for wheat.

Mr. SUMMERS of Washington. There is nothing in the bill indicating what that price shall be. All of those provisions, if the gentleman will permit, which were carried in the two previous bills—the yardstick which was objected to so strenuously—are omitted from the present bill.

This might be compared with the act of Congress creating the Interstate Commerce Commission. Congress did not undertake in that instance to advise the commission in detail what it should do under any and all circumstances, but we clothed it with the necessary power. Great care is taken in this bill, very much more than in the interstate commerce act, with respect to the selection of efficient boards, and there are these constant checks I have referred to; but the board is given authority to act.

Mr. NEWTON of Minnesota. What I had specifically in mind is this: Suppose there is a surplus of 200,000,000 bushels and the board decides to put the control into effect, will they commence paying for wheat just what the then market price is, and then pay more until the price has been gradually raised, or will they commence paying the figure they think the farmer ought to receive? That is what I am interested in.

Mr. SUMMERS of Washington. That is exactly what I have just explained. Details of that kind and many others which we tried to legislate into the two previous bills are not contained in this bill. Let me illustrate again: We enacted a tariff law here, but we did not undertake to provide all the rules and regulations for carrying that act into effect. The same thing is true with respect to the Board of Mediation under the law which we passed last year. And the same thing is true in respect to the income tax law. That law is not much bulkier than the document which I hold in my hand, but the rules and the regulations comprise many volumes, because they have to be worked out from time to time as conditions arise.

Mr. NEWTON of Minnesota. Then the board would have its option in the state of facts which I have presented?

Mr. SUMMERS of Washington. Yes. In every instance some human agency must decide. In this case it is the board and not Congress.

Mr. CARTER of Oklahoma. What power would the board have? What could they do? The gentleman has not told us that.

Mr. SUMMERS of Washington. I have not completed my discussion of the bill yet.

Mr. GARBER. Is not the power of the board indirectly conferred in the statement of policy where the board is authorized to carry out the policy of stabilization of farm prices? Is not that the power of the board?

Mr. SUMMERS of Washington. That is the general authority that is granted, but it is not set out, as I have said, in detail.

Mr. HASTINGS. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. HASTINGS. And it would have to be with the consent of the advisory council as to that particular commodity.

Mr. SUMMERS of Washington. That is right; and finally, by a vote of the board and by members which represent 50 per cent or more of the specific product concerned.

EQUALIZATION FEE

Now comes the collection of the equalization fee. I think there is nothing controversial in the first 12 pages of this bill. I do not see how anything could be simpler or better safeguarded. Then we come to the equalization fee. Some Members fear the farmers will resent the equalization fee. But the farmer will never object to the withholding of a few cents as an equalization fee so long as he receives three or four times that amount in enhanced price. My farmers do not want a bounty. They are willing to meet the expense, but they do believe Congress should enact the necessary legislation—give them the machinery, if you please, so long as they are willing to operate it at their own expense.

FARMERS KNOW WHAT THEY WANT

Mr. Chairman, I want to say that the old wheat farmers on the street corners out in my district worked out this whole plan and were advocating it long before it was ever brought down here; because of this situation, we can not get a price on wheat in my town in the forenoon. Dealers say, "We have not heard from Portland," "Come in in the afternoon." By the middle of the afternoon they have talked with Portland on long distance and know the price of wheat on the coast. Portland is buying mostly for export. The Portland price means the price at Liverpool, less transportation, handling charges, and so forth. Our wheat farmers know this, and they say that as long as there is any wheat to export the price that is handed down from Portland is the price that prevails regardless of whether the wheat is going to Liverpool or going to be milled in Walla Walla, our home town. The local buyer or the local miller, whoever you go to, will base the price on Portland, and Portland is quoting the price on Liverpool.

So our farmers have recognized for a long time that they are not going to solve this big problem until they can take care of the surplus. So long as there is a surplus, however small, it makes the price for all the product.

COOPERATIVES NOT SUFFICIENT

They tried cooperative marketing. There were able men at the head of the organization, and they reached the point where they handled several million bushels of wheat each year, but they said it was not possible, in their opinion, to voluntarily organize enough wheat growers to control the price and secure the cost of production plus some little profit, not even to the extent where the growers could break even.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. What percentage of the wheat grown in the gentleman's country goes into the export trade?

Mr. SUMMERS of Washington. I can not give the exact per cent.

Mr. NEWTON of Minnesota. About 90 per cent?

Mr. SUMMERS of Washington. I can not give the exact percentage, but it is large. We meet the export proposition more directly than in any other part of the country, and the very fact that we can not get a price except in the afternoon, based on Portland, which in turn is based on Liverpool, has

made our farmers say that we must do something to get rid of the surplus before we can get a fair price.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. WOOD. I yield to the gentleman from Washington 10 minutes more.

Mr. BEGG. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield to the gentleman from Ohio.

Mr. BEGG. Is it the intent of the bill to make the price of wheat, for instance, and when made to have it a permanent price for the summer, or the season, or is it to be a fluctuating price depending on the world price?

Mr. SUMMERS of Washington. Again I reply that the details of that are not carried in the bill, any more than are the details of establishing equitable freight rates carried in the interstate commerce act. We did not undertake to cover that. It should not be covered by specific legislation.

Mr. BEGG. The thought I had in asking the question was, what do the men advocating the bill want. Is the price they are to fix in May for the season, or for the week, or for the month?

Mr. SUMMERS of Washington. I am not undertaking to speak for them but it seems to me that the wheat having been produced under certain known cost conditions in this country, such as labor, machinery, food, rent, and everything that goes into the production, that the grower would be entitled to a price to cover that with a reasonable profit and that there should be an allowance as a carrying charge. I am not prepared to say that that is the way the law would be administered. I have great confidence in the board as it will be created, recommended by farm organizations, appointed by the President of the United States, and making a report back to Congress, and that it would use as much wisdom and discretion as we might use here on the floor.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. WILLIAMSON. Would not the board, as a matter of fact, endeavor to give the farmers of the country under the present bill a price equal to the tariff, whatever the tariff might be, so that the price would fluctuate up and down according to the different fluctuations in the London market?

Mr. SUMMERS of Washington. That is a conjecture, but I do not undertake to say what the board would do in administration of the law.

EQUALIZATION FEE CHECKS PRODUCTION

Now, I would like the attention of gentlemen who are interested in this bill, and particularly the gentleman from Ohio, to the equalization fee. It seems to me the equalization fee is the best way of controlling production and preventing overproduction. The greater the production, the greater the equalization fee and the less the profit. So, in addition to the wisdom and advice of this board and the farm organizations you have also the financial penalty which the grower will suffer by overproduction.

If I produce 20,000 bushels of wheat and that helps to make up a very large surplus, then I will have to pay a larger equalization fee and on more bushels; and that is the only restraining feature that has ever been written into any of these bills. In fact, I think most of the bills have nothing in respect to that.

Mr. BEGG. Does the gentleman care to let me ask another question? I do not care to take his time.

Mr. SUMMERS of Washington. I do not want to enter into any controversy, because I am seriously discussing this bill; but I will try to answer any questions.

Mr. BEGG. I would like to have the gentleman's view on this proposition. As I have understood it, in studying these bills they all are seeking to stabilize the price of farm products. Now, "to stabilize" means to me to make the price somewhat near uniform throughout the season. Suppose the stabilization period is April to June and the price is $1.25 a bushel. Suppose you stabilize the American price at $1.75—I am going on the old argument of the tariff plus transportation—what would happen if the world's price in July or August dropped to 75 cents? It seems to me that is a practical question in the problem. Now let me add one other sentence to that. It seems to me whenever the world price drops below the stabilized or fixed price lower than the tariff it makes the United States a market for all the wheat in all the world that can be shipped and make 5 cents a bushel, or even 3.

Mr. SUMMERS of Washington. Does the gentleman believe there is any human probability of the world price dropping more than 42 cents below the ordinary world level? In any event, we would be 42 cents better off than we are to-day.

Mr. BEGG. I can not answer that definitely, but I can see this, that if there is a dumping of American wheat, to be specific, in the markets of the world at any price they can get, that very act will tend to drive down the world price.

Mr. SUMMERS of Washington. Right there, I hope the gentleman will not use that expression "dumping." It is misleading.

Mr. BEGG. Well, anything the gentleman wants.

Mr. SUMMERS of Washington. It will be an orderly marketing, under this bill, more orderly than the marketing is done to-day, because I go down the street, and, if the price seems good, I sell to-day. You may do the same; all growers throughout the United States make a big rush to sell, and that is the thing that demoralizes the world's market. Our marketing procedure to-day is dumping. Nothing more nor less than dumping. The board, with full knowledge of agricultural and economic conditions throughout the world, would not dump but would market in an orderly way and would secure not a lower but a higher price for the surplus.

The individual farmer's time is occupied with production, paying taxes, and pacifying the sheriff. He can not know of planting and growing conditions in all countries. He can not know the extent of frost or rain damage in Canada or floods in Argentina or storms in Australia and uprisings in India or Russia. But here you have a board which will be doing nothing else in the world except studying world conditions, and they will know where and when to market farm products in an orderly manner in the markets of the world. Under these conditions I insist the surplus itself will not be sold at a dumping price, but will bring better returns than it does to-day.

Mr. BEGG. One other question: Where are you going to put this wheat from the time the farmer sells it until the board markets it?

Mr. SUMMERS of Washington. Let us put it where we put it now.

Mr. BEGG. We put it in the elevators of private shippers.

Mr. SUMMERS of Washington. It can be handled wherever it is handled to-day. This bill is not meant to destroy legitimate investments and business.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SUMMERS of Washington. May I have more time? I will ask for 10 additional minutes.

Mr. WASON. I yield the gentleman 10 additional minutes.

Mr. GARBER. May I ask the gentleman a question?

Mr. SUMMERS of Washington. I yield to my friend from Oklahoma.

Mr. GARBER. One of the features that characterized the marketing of wheat during this recent season was the dumping of millions of bushels of wheat on the European market along about August or September. Now, the bill, as I infer, controls and stabilizes the marketing, especially in reference to the world's surplus. Now, what does it do for the domestic surpluses that are created from year to year, if anything? For instance, about 75 per cent of the wheat in my locality is marketed within 90 days after the threshing season. It gluts the market and depresses the price. Would the board be authorized to deal with that kind of a situation?

Mr. SUMMERS of Washington. Undoubtedly the board would deal with the situation from the beginning of harvesting in order to prevent just such a catastrophe.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield to the gentleman from Oklahoma.

Mr. HASTINGS. I am having some difficulty as to how this surplus may be determined by the board with reference, say, to wheat for this reason, that the seasons change so much throughout the world. For instance, you are harvesting and threshing wheat in Arizona before you plant it up in the northern part of Montana, and the seasons differ between Australia and Russia. Now, is it not true that we are planting and threshing wheat pretty nearly all the year round at different places throughout the world?

Mr. SUMMERS of Washington. That is very true. But I believe that a board, as I said before, that gives all its time to the study of the conditions regarding these different commodities, is better qualified to exercise good judgment than any individual.

Mr. HASTINGS. No doubt.

Mr. SUMMERS of Washington. They might make mistakes, but practically all individuals make mistakes.

Mr. HASTINGS. I think that is a frank answer.

Mr. SUMMERS of Washington. We are not contending that this is a panacea for all the farmers' ills; but men, not all of whom are farmers, but business men in all branches, who have thoroughly studied these questions, are agreed that the surplus

must be taken care of if you are going to produce crops at even a reasonable profit under American conditions.

Mr. SINCLAIR. Is not the question of surplus largely a theoretical matter anyway, dependent on price? For instance, we may have a surplus of wheat at $1.50 or $1.75 a bushel, but if the price goes low enough, that surplus is all absorbed by the market, is it not?

Mr. SUMMERS of Washington. I am glad the gentleman asked that question. There is no surplus existing now that was a surplus four or five years ago. We call it a surplus, but in the course of a few months or a year or two, whether it be wheat or corn or cotton, or dairy products or fruits, the world's market absorbs it at varying prices.

Mr. SINCLAIR. It is a seasonal surplus, depending on the amount of the crop and the price in various sections of the world?

Mr. SUMMERS of Washington. Yes; it is almost wholly a seasonal surplus.

WILL HELP ALL FARM PRODUCTS

This new McNary bill or Haugen bill or surplus control bill contains another good feature. Cooperative associations are provided a $25,000,000 revolving fund with which to provide storage and marketing facilities for handling surplus farm products of all other kinds not mentioned in the bill.

There is provided a total revolving fund of $250,000,000, or so much thereof, as may be needed for carrying out the provisions of the act. Four per cent interest is charged against the amount actually withdrawn from the Treasury.

Now, I want to call the attention of you gentlemen here to the extension of remarks by Mr. GARNER of Texas yesterday. He inserted in the RECORD a statement from a group of men from the State of Texas directed to the Congress of the United States. This group is made up of bankers, capitalists, stock men, cotton growers, lawyers, and farmers, so that it is a representative group. They give you some of the best arguments, the most dispassionate and clearest-cut arguments in behalf of this legislation that I have ever heard on this floor or have ever seen in print. I quote:

This is not a matter that concerns any section of the United States. This concerns every producer of any commodity in all the United States. You can not have a depression of a great industry like agriculture or like manufacturing or like railroading or continuous labor troubles going on year after year in the United States without its affecting all other industries. So I hope, gentlemen, you will study the bill I have before me entitled "Surplus control act." This is the new McNary bill. The Haugen bill is the same. I beg that you put aside all early prejudices. I want you to know that this bill does not contain many provisions that were objected to a year ago and two years ago. In my opinion the bill has been improved and simplified in many respects, without taking away any of its vital features.

I assume that every Member of Congress, regardless of what part of the United States he comes from, recognizes the farm situation, and being a fair man, a legislator for all of the people of the United States, that he is earnestly, anxiously seeking some solution of this condition in which we find ourselves and in which we have been during the past several years. There is something seriously wrong when men who have been farming for a generation go right along farming under similar conditions in the most efficient way possible, and instead of making a little money, they lose money year after year because they can not sell for the cost of production.

Now, you may say this is unusual legislation; but that was also said of railroad legislation, and of course it was contended in regard to tariff legislation, and in regard to the Federal reserve act. I understand the bankers were very much opposed to that legislation. Many of you were here at that time. I was not. But I think there are no bankers to-day who want that law repealed. We have done these things when many who were directly concerned and when able economists said they were unusual, impossible, and unworkable. Time has proven the wisdom of such legislation. Shall we do less for the farmer?

I earnestly urge that you give the same consideration, in the light of history, to the farm problem and help us enact legislation that will control the surplus and put agriculture on a paying basis in the United States. [Applause.]

Mr. BYRNS. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman and gentlemen of the committee, I wish to consume a few minutes of your time for the purpose of calling attention to the pressing needs at Savannah, Ga., for increased housing facilities for the post-office work and for other governmental agencies. I ask unanimous consent to extend my remarks in the RECORD on this subject by inserting a short editorial from the Savannah (Ga.) Morning News of January 19, 1927.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The editorial is as follows:

POST-OFFICE BUILDING

If one will study the statistics alone of the business of the Savannah post office, will note the unusual and steady increase of that business in all departments of the service, he will be convinced of the need for the Government's immediately providing more room in which efficiently to transact business. The figures alone give abundant support to the request for additional building room. The increase in receipts for the period from 1915 to 1926 of more than 91 per cent—nearer 92 per cent—almost double the sum received 10 years ago, is itself a tremendously effective argument. The fact that last year's receipts went still ahead of those of the year before, indicates that the growth is normal and steady and not due to sudden spurts of temporary activity. The very amount received warrants consideration; the Government should have plenty of room and well apportioned in which to do annually a business whose volume considerably exceeds the half-million dollar mark. And when it is considered, by way of survey of conditions and the trend of men and money and business activity generally, that the Southeast is the steadily developing, coming region of the land and that Savannah is strategically set in that area, there is assurance that the increase will continue each year, that the business will keep on growing, making the necessity for more room a keener and more imperative demand each year in future. When it is remembered, too, that it takes time to plan and build, the situation becomes still more acute. And all this from purely a statistical, a paper-survey position. But inspection of the actual buildings at Savannah, including the little annex, will convince beyond doubt of the pressing need of more and better quarters for efficiently, promptly handling the big business Uncle Sam's post office in Savannah is called upon to perform, and at a rate of expense in keeping with the economic policies of the Government under the present administration. A look at the work as it is being done under handicap, with the parcel-post department cut off from the main building, the crowded condition of both the main building and the rented annex will cinch the matter with anybody inquiring about the truth as to the needs for more post-office room in Savannah. The present Congress has definitely before it a chance to serve the people of the Southeast in providing for a bigger post office for Savannah.

Mr. EDWARDS. Not only is the Postal Service handicapped, but other agencies of the Government are crowded and handicapped. The court and its officials need more room, and on two or three occasions the grand juries of the United States courts at Savannah have called attention to the pressing need at that place for increased housing facilities in order that the court and its juries might have ample room in which to conduct their work. The Army engineers need more room and others carrying on governmental work also need space. The emergency is pressing, and I hope relief will be promptly given.

Mr. WOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON, of Minnesota. Mr. Chairman, this urgent deficiency bill appropriates $2,000,000 for the purchase of the remainder of the capital stock of the Inland Waterways Corporation.

This corporation was created by Congress in 1924, with an authorized capital of $5,000,000. The whole sum was subscribed under the terms of the act, but there was only appropriated the sum of $3,000,000, which paid for stock up to that amount. The stock is all held and controlled by the Government. The purpose of the act and the creation of the corporation was to enable the Government to better carry out the wishes of Congress in reference to river navigation, as set forth in sections 201 and 500 of the transportation act of 1920. The material portions thereof are as follows:

SEC. 201. (a) On the termination of Federal control, as provided in section 200, all boats, barges, tugs, and other transportation facilities, on the inland, canal, and coastwise waterways (hereinafter in this section called "transportation facilities") acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act (except the transportation facilities constituting parts of railroads or transportation systems over which Federal control was assumed) are transferred to the Secretary of War, who shall operate or cause to be operated such transportation facilities so that the lines of inland water transportation established by or through the President during Federal control shall be continued, and assume and carry out all contracts and agreements in relation thereto entered into by or through the President in pursuance of such paragraph prior to the

time above fixed for such transfer. All payments under the terms of such contracts and for claims arising out of the operation of such transportation facilities by or through the President prior to the termination of Federal control, shall be made out of moneys available under the provisions of this act for adjusting, settling, liquidating, and winding up matters arising out of or incident to Federal control. Moneys required for such payments shall, from time to time, be transferred to the Secretary of War as required for payment under the terms of such contracts.

(c) (As amended March 4, 1921.) The Secretary of War is hereby authorized, out of any moneys hereafter made available therefor, to construct or contract for the construction of terminal facilities for the interchange of traffic between the transportation facilities operated by him under this section and other carriers whether by rail or water, and to make loans for such purposes under such terms and conditions as he may determine to any State, municipality, or transportation company; or to expend such moneys for necessary terminal improvements and facilities upon property leased from States, cities, or transportation companies under terms approved by the Interstate Commerce Commission, or otherwise, in accordance with any order rendered by said commission under subheading (a) paragraph 13, section 6, interstate commerce act.

(d) Any transportation facilities owned by the United States and included within any contract made by the United States for operation on the Mississippi River above St. Louis, the possession of which reverts to the United States at or before the expiration of such contract, shall be operated by the Secretary of War so as to provide facilities for water carriage on the Mississippi River above St. Louis.

SEC. 500. It is hereby declared to be the policy of Congress to promote, encourage, and develop water transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor both rail and water transportation.

It shall be the duty of the Secretary of War, with the object of promoting, encouraging, and developing inland waterway transportation facilities in connection with the commerce of the United States, to investigate the appropriate types of boats suitable for different classes of such waterways; to investigate the subject of water terminals, both for inland waterway traffic and for through traffic by water and rail, including the necessary docks, warehouses, apparatus, equipment, and appliances in connection therewith, and also railroad spurs and switches connecting with such terminals, with a view to devising the types most appropriate for different locations, and for the more expeditious and economical transfer or interchange of passengers or property between carriers by water and carriers by rail; to advise with communities, cities, and towns regarding the appropriate location of such terminals, and to cooperate with them in the preparation of plans for suitable terminal facilities; to investigate the existing status of water transportation upon the different inland waterways of the country, with a view to determining whether such waterways are being utilized to the extent of their capacity, and to what extent they are meeting the demands of traffic, and whether the water carriers utilizing such waterways are interchanging traffic with the railroads; and to investigate any other matter that may tend to promote and encourage inland water transportation. It shall also be the province and duty of the Secretary of War to compile, publish, and distribute, from time to time, such useful statistics, data, and information concerning transportation on inland waterways as he may deem to be of value to the commercial interests of the country.

The words "inland waterway" as used in this section shall be construed to include the Great Lakes.

During the past years we have expended several hundred millions of dollars in improving our inland waterways, so as to render them practical in the carrying of our commerce. There was keen competition from the railroads in both service and rates, and the developing of this transportation service was proceeding slowly. Then came our entry into the World War. In providing for our national defense it became necessary to make use of every available means of transportation, rail and water.

The inland and coastwise waterway service was created for the purpose of operating a transportation service upon the Warrior, the upper and lower Mississippi Rivers. It was under the general supervision of the Secretary of War. That officer detailed an Army officer as an executive in immediate charge. This service was operated under very trying conditions. It can hardly claim to have been a success. The friends of river transportation thought that a start was made which should be followed up. The result was the provisions I have referred to in the transportation act. With this added interest of Congress, some progress was made, but after two years it was apparent that the management was handicapped by reason of the limitations necessarily surrounding its activities as a governmental agency. No railroad can profitably exist to-day without joint traffic arrangements. That is equally true of a river line. What railroad was interested in entering into such arrangements when it did not know how long the Government would continue to run and maintain this river service? Service depended upon equipment, equipment upon appropriations, and no one could predict what might be appropriated from year to year. It was therefore apparent that if this service was to survive that we should place it upon an entirely different basis.

Mr. Chairman, the gentleman from Illinois [Mr. DENISON], who has always been such a staunch friend of river transportation, introduced a bill, the central thought of which was to have this work continued under governmental auspices, but by a separate and distinct corporate organization which would insure continuity in operations and give this governmental agency all of the advantages that would be enjoyed by a private corporation undertaking the same service. Extensive hearings were held by the Committee on Interstate and Foreign Commerce of this House. We heard from expert witnesses who were skilled in the moving of traffic, and in the transporting of commodities upon our waterways. Among them was General Ashburn, who had been in charge of this service in the War Department. The committee was impressed with his zeal and the work that had been accomplished under heavy odds. A bill was ultimately drafted which met the views of all concerned. It passed in June of 1924 and the Inland Waterways Corporation took over the transportation service which I have referred to.

This was less than three years ago, and examination of the annual reports of this corporation will show the progress that has been made. During this period the tonnage carried on the Warrior and lower Mississippi Rivers has been greatly increased. Revenues have been multiplied and the statistics show both lines to be now operating with a profit. Friends of river transportation in the House will be gratified to know that this service is a success.

While this is true of the Warrior and lower Mississippi Rivers, no such progress has been made upon the upper river. There was constructed by virtue of the war powers a fleet of 19 barges for the upper river. They were far too large and were of too deep a draft. The initial trip was unsuccessful. The barges were leased to a Mr. Goltra, of St. Louis. Litigation resulted. They were then in operation on the lower river, although their construction was authorized for use on the upper river. This was the situation when the bill creating Inland Waterways Corporation was under consideration in our committee.

Judge Graham and myself both representing districts on the upper Mississippi River, wanted to insure service just as soon as there was a practicable channel. We did not want this service to be contingent upon the outcome of the Gottra fleet litigation or anything else. The committee agreed with us. The bill was amended to make this service mandatory and place it upon a par with the service upon the Warrior and lower Mississippi Rivers just as soon as there was a practicable channel to the head of navigation at Minneapolis.

One year ago the Chief of Engineers advised me that there was a navigable channel. In the mean time our people were becoming interested in making use of this waterway. We had been rather hard hit in the upper Mississippi Valley by recent freight-rate increases. They bore heavily upon our industries, including the products of both farm and factory. These new and revised rates made it difficult, if not impossible, to reach markets which had been ours for many years. Our only relief seemed to be to make use of the river.

The Inland Waterways Corporation was without the necessary equipment to commence the service. Business interests in the upper Mississippi Valley formed the Upper Mississippi Barge Line Co., subscribed and paid the capital stock of $600,000 for the purpose of purchasing sufficient quantity of towboats and barges to initiate this service by leasing the same to the Inland Waterways Corporation for it to operate on the upper river. An arrangement of this kind was finally effected with this governmental corporation. Further study developed the fact that this sum would only build 2 towboats and 11 barges if the best towboats and most available type of barge was used. The Inland Waterways Corporation agreed to build, out of its own funds, 1 additional towboat and 4 more barges. This would make 3 towboats and 15 barges in all.

In the meantime the cities of Minneapolis, St. Paul, and Dubuque, in anticipation of extensive use of this service, which had been mandated by Congress, authorized bond issues aggregating over $1,000,000 for the construction of terminals which are now in progress of construction.

Mr. Chairman, the more study we gave this the more convinced we were as to the possibilities of this service. We talked with well-known traffic men and sought the advice of men from the lower river who were skilled in river transportation problems. It became apparent that 3 tow boats and 15 barges

would be wholly inadequate to properly initiate this service on the upper river. It was clear to us that the initiating of this service with only this small equipment would give it such a bad start as to probably condemn it among shippers for all time.

The reports of the Chief of Inland and Coastwise Waterways Service during the years 1920 to 1922, inclusive, show some of the handicaps that that service worked under through inadequate equipment. We feel that if this service was to progress at all on the upper river, that it must start with adequate equipment.

With this in mind a thorough, extensive survey was made covering gross tonnage of all kinds in our locality, probable tonnage, terminals, channels, traffic movement, operating schedules, budget of operations, rail connections, and so forth. We found that to initiate a service upon the upper river which would synchronize with the service on the lower river—this latter is, of course, essential—that the irreducible minimum of equipment would be 4 towboats and 60 barges.

The results of this survey were laid before the Secretary of War and the President of the United States, with the result that this estimate was submitted. I am glad to say that the committee has approved the request submitted by the Budget. The additional upper-river equipment will require a sum slightly in excess of $1,000,000 of this additional capital.

I am glad to note that the committee has approved in full the request submitted by the Budget Director.

Mr. DENISON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to my friend from Illinois, who has done so much in the cause of river transportation development.

Mr. DENISON. In that connection, the gentleman might state that the Inland Waterways Corporation bill which Congress passed in 1924 authorized a capital stock for the corporation of $5,000,000, to be issued from time to time as Congress might appropriate the money.

Mr. NEWTON of Minnesota. Yes. At the time the initial appropriation was made there was no practicable channel in the upper river, and therefore there was no occasion for making use of the full amount.

Mr. SINCLAIR. Will the gentleman yield further?

Mr. NEWTON of Minnesota. I yield to the gentleman.

Mr. SINCLAIR. To what point now is this Inland Waterways Corporation operating barges; that is, how far north are they coming?

Mr. NEWTON of Minnesota. To St. Louis.

Mr. SINCLAIR. Only to St. Louis?

Mr. NEWTON of Minnesota. That is correct.

Mr. SINCLAIR. Then this will provide additional barge service from St. Louis north to Minneapolis and St. Paul?

Mr. NEWTON of Minnesota. Yes; that is correct. With this additional $2,000,000, a little over $1,000,000 will be used for the building of 45 more barges and 1 more towboat in addition to those that are now being constructed. And in this connection let me repeat this is the irreducible minimum number of barges and towboats that it will be necessary for the corporation to have in order to make a beginning in this service.

We have already commenced negotiations with the railroads in our part of the country in an endeavor to get joint traffic arrangements. Of course, these arrangements are absolutely necessary to the success of the movement. I have been disappointed myself at the failure upon the part of the railroads to cooperate in this movement. They say they do not want to "short haul" themselves in a joint traffic arrangement between the Twin Cities and Chicago with water down to Dubuque and rail to Chicago, and yet several of those roads "short haul" themselves in connection with their operation with other railroad systems. They do not make any objection to that, but they do not want to "short haul" themselves, apparently, to assist the barge line in getting under way. We had a conference with the Interstate Commerce Commission at which representatives from practically all of the carriers in our part of the country were represented. The attitude of the carriers as presented to the commission was, "Well, we will do it if we are ordered to." This is not the kind of cooperation we ought to have from the railroads of the country in reference to a proposition that Congress is behind and has included in the transportation act as part of the transportation system of the country which should be fostered and encouraged.

Of course, proceedings are pending before the Interstate Commerce Commission; and with the power of that commission to order joint traffic arrangements between rail and water carriers, I have no doubt as to what the ultimate outcome will be because of the power we have lodged with the commission as to joint rail and water rates. I only mention this to indicate that I think it shows shortsightedness upon the part of the railroads of the country in not carrying out the announced policy of Congress.

Mr. HARE. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes; I yield to the gentleman.

Mr. HARE. I understood the gentleman to say he had an idea as to what the ultimate outcome would be.

Mr. NEWTON of Minnesota. Yes.

Mr. HARE. I would be interested to know just what the gentleman's conjecture is. I gather that the gentleman feels the railroads themselves will not agree to this cooperation and that it will be left entirely with the Interstate Commerce Commission, and I would like to know whether or not he has the impression the railroads will be ordered to do it.

Mr. NEWTON of Minnesota. I have no doubt myself but what the order will be issued.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WOOD. Mr. Chairman, I yield the gentleman five minutes more.

Mr. NEWTON of Minnesota. On the lower Mississippi the same trouble occurred when the service was first started under the auspices of the Inland Waterways Corporation. Finally, one of the railroads indicated a willingness to enter into joint traffic arrangements. There have been decisions of the Interstate Commerce Commission in respect of the very same proposition and from my examination of the law and the decisions of the commission, I have no doubt as to what the ultimate outcome will be. I think the decision will be favorable to the ordering of the joint arrangement.

Mr. DENISON. If the gentleman from Minnesota will permit, I might state that one of the things that General Ashburn, who is in charge of this business, is entitled to great credit for the persistent effort he has made to obtain joint traffic arrangements with the railroads. He has brought proceedings before the Interstate Commerce Commission a number of times and in every proceeding has been successful, and now more railroads are coming in and making these joint arrangements. This is one of the things that it is the business of the Government to do before we can ever get water transportation—force a proper attitude on the part of the railroads in the making of joint rates and joint traffic arrangements with the water lines.

Mr. NEWTON of Minnesota. And I want to add to what my friend and colleague, the gentleman from Illinois [Mr. DENISON], has said in that connection and to commend General Ashburn for the zeal and the ability he has shown in the handling of this important work.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield to the gentleman from Washington.

Mr. SUMMERS of Washington. Who will operate this barge line?

Mr. NEWTON of Minnesota. The Inland Waterways Corporation operates all three services, the service on the Warrior River, the one on the lower and will operate the one on the upper Mississippi River

Mr. SUMMERS of Washington. What is the Inland Waterways Corporation?

Mr. NEWTON of Minnesota. It is a Government corporation with its stock all being owned by the Government. The managing director of the Inland Waterways Corporation is General Ashburn, who works directly under the Secretary of War.

Mr. SUMMERS of Washington. Will they operate presumably at a profit?

Mr. NEWTON of Minnesota. The lower Mississippi River is showing a substantial profit and the Warrior River, as I mentioned a few moments ago, has, I think this past year, shown a slight profit.

Mr. SUMMERS of Washington. What will they haul on the upper river?

Mr. NEWTON of Minnesota. Every kind of heavy commodity—grain, farm machinery, coal, and so forth.

Mr. SUMMERS of Washington. The gentleman has not always been favorable to farm legislation. He said this corporation will haul farmers' products at a profit. Does not the gentleman think it is just as reasonable for us to legislate in order to help the farmer to a little profit as to enact legislation that will enable this corporation to carry his products at a profit?

Mr. NEWTON of Minnesota. There is no intention other than to charge a sufficient rate in order not to go into the Treasury for an appropriation to take care of the shortage.

Mr. SUMMERS of Washington. Is it proposed that the Government shall always operate it?

Mr. NEWTON of Minnesota. There is no limitation in the act as to the life of this corporation; the purpose of the legis-

lation was to have the Government start this and thereby demonstrate just what transportation could be developed upon these particular waterways.

Mr. SUMMERS of Washington. Then it will, of course, be taken over by private corporations?

Mr. NEWTON of Minnesota. Yes, eventually; that was our thought.

Mr. Chairman, I must hasten. This bill should become a law in a few days. The plans for the one additional tow boat and the 45 barges are all made. At least, I assume that the plans of those now under construction will be followed in the building of this additional equipment. Contracts should be let immediately so that we can get the service upon the river under way this summer.

At this point let me say something as to the prospective tonnage. During the year 1925 there were 51,177,962 cars of revenue freight loaded in this country. This is at the rate of 1,000,000 cars per week. Of this number 11,000,000 cars were loaded in what are known as the northwestern and southwestern freight districts. During the same year, the barge line on the lower Mississippi River transported 910,755 tons of revenue freight. This is the equivalent of 31,136 cars. The percentage is very small compared to the total. It illustrates that the barge line will in no sense injure the railways because the total of freight carried by the barge line is small as compared to the total carried by the railroads. However the commodities carried for certain concerns will reach markets that could not otherwise be reached because of high freight rates and the importance to these particular industries will be very great. The survey made by the St. Paul Association for the same period of 1925 shows a total of 278,431 cars received and 213,480 cars shipped out. A similar survey made by the Minneapolis Traffic Association showed during the same period a total of cars received of 343,803, and the cars shipped out of Minneapolis amounting to 308,407. The survey by the St. Paul Assoc'ation as to northbound tonnage estimated potential northbound river tonnage destined for St. Paul and based upon actual receipts of certain commodities by rail during the year 1925 as amounting to 433,200 tons. A similar survey by the Minneapolis Traffic Association showed an estimated river movement for Minneapolis alone of 766,200 tons. The southbound tonnage from St. Paul, the survey showed an estimated river movement of 20,700 tons and from Minneapolis of 61,100 tons. I mention this not only to show something of the tonnage that will move, but to show the painstaking care with which our people went about this proposition before requesting that the service which Congress had mandated, be put into operation.

Gentlemen, I also want to call your attention to two maps recently published by the Inland Waterways Corporation. They are very interesting. One shows volume, routes, origins, and destinations of freight over the barge line by congressional districts, all southbound tonnage for the year 1925. The other gives light statistics for northbound tonnage. The total southbound tonnage was 546,348 tons. It originated—and this is surprising—in 31 States. Included in the southbound traffic was tonnage originating in States as follows:

	Tons
Minnesota	2,054
Wisconsin	11,175
Michigan	6,606
Illinois	61,011
Iowa	5,819
South Dakota	460
Wyoming	263
Oregon	1,634
Nebraska	89,641

Included in the destination of northbound tonnage were the following:

	Tons
Minnesota	16,307
Wisconsin	19,143
North Dakota	469
South Dakota	1,528
Michigan	4,772
Illinois	252,765
Iowa	19,698
Washington	3,697
Oregon	164
Nebraska	4,369

Many of these States are far away from the Mississippi River. Products are moved from these distant States by the use of both rail and water. A total of 31 States already profit by this service through better service and at a less charge. When service is extended to the upper river tonnage both ways will be multiplied, revenue increased, service enlarged, and several additional States will be added to those benefiting from the service.

Mr. Chairman, I am sure that I speak the wish of all in the speedy building of this equipment to the end that this service to our people may be fully under way this summer.

Mr. WOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16462, the first deficiency bill for the fiscal year ending June 30, 1927, and had come to no resolution thereon.

DUDLEY M. HUGHES

Mr. LARSEN. Mr. Speaker, it is with feeling of personal regret that I announce to the membership of the House the death of Hon. Dudley M. Hughes, which, as I am informed, occurred at his home in Danville, Ga., to-day. Mr. Hughes was a Member of this House for eight years, retiring March 4, 1917. During a considerable portion of this time and at the date of his retirement he was chairman of the great Committee on Education. He was coauthor of the Smith-Hughes bill providing for vocational education, and was connected with, and instrumental in, the passage of many other measures of national importance. For more than 50 years he was one of the most prominent and beloved citizens of Georgia, and was such at the date of his death. He was for many years president of the agricultural association of that State, was a trustee of the University of Georgia, and a member of the State senate. He was prominent in financial and railroad circles, and was one of the greatest planters of the State. In addition to this he was one of the State's most cultured gentlemen, and one of its finest Christian characters whose death will not only be a distinct loss to the State of Georgia but, I am sure, will bring sadness to many who knew him throughout the Nation.

THE IMPORTANCE OF THE PORT OF NEW YORK IN THE FOREIGN COMMERCE OF THE UNITED STATES WITH THE EAST COAST OF SOUTH AMERICA

Mr. BACON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including some resolutions of the Chamber of Commerce in New York and of the Brooklyn Chamber of Commerce on the subject of the port of New York.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BACON. Mr. Speaker, in accordance with the permission given me, I insert herewith in the RECORD the protests and resolutions of the Chamber of Commerce of the State of New York, the Brooklyn Chamber of Commerce, the Maritime Association of the Port of New York made in the interests of manufacturers and shippers who are engaged in the export and import trade with the east coast of South America against the removal of the American Republics Line from the port of New York.

These three great organizations are supported by the Merchants' Association of New York, the Board of Trade and Transportation, the Bronx Board of Trade, Queens Chamber of Commerce, Staten Island Chamber of Commerce, Produce Exchange, Maritime Association, Freight Forwarders and Brokers' Association, Propeller Club, Foreign Commerce Club, New York and New Jersey Dry Dock Association.

I concur in these protests and resolutions.

They are as follows:

NEW YORK, N. Y., *January 14, 1927.*

Hon. ROBERT L. BACON,
House of Representatives, Washington, D. C.:

We desire to draw your attention to petitions presented to Shipping Board by Boston and Baltimore interests to allocate the headquarters of the American Republics Line to their respective ports instead of the port of New York, where it is now located. In view of the fact that entire Atlantic seaboard commerce to east coast of South America, where said line operates, is approximately only 20 per cent of what port of New York alone furnishes, we request that you make urgent representation to chairman of Shipping Board that our commercial organizations be granted a hearing before deciding on a subject most vital to the interests of the port of New York. Hearing has been denied us on ground that one was held last month, of which, however, no commercial organization in New York had any notice. Conference held here this afternoon at which following organizations were represented: Merchants' Association, Board of Trade and Transportation, Brooklyn Chamber of Commerce, Bronx Board of Trade, Queens Chamber, Staten Island Chamber, Produce Exchange, Maritime Association, Freight Forwarders and Brokers' Association, Propeller Club, Foreign Commerce Club, New York and New Jersey Dry Dock Association, Chamber of Commerce of the State of New York. Mayor of New York

and the Port of New York Authority were also represented. As chairman of conference, I was requested, by unanimous decision, to send this message to you.

DAVID T. WARDEN,
Chairman Committee on the Harbor and Shipping,
Chamber of Commerce of the State of New York.

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
MARITIME EXCHANGE,
New York, January 14, 1927.

Hon. ROBERT LOW BACON,
Member of Congress, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith resolutions unanimously adopted by the board of directors of the Maritime Association of the Port of New York at a regular monthly meeting held on January 12, 1927, as follows:

"Whereas it is our understanding that the United States Shipping Board is contemplating the reallocation of the management of the American Republics Line with a view to the transferring of such line to some other port as an operating base; and

"Whereas the ostensible purpose of the maintenance of the various shipping routes by the Shipping Board is to build up and foster the foreign trade of the United States; and

"Whereas the claims of every port in the allocation of Shipping Board services should be considered solely with regard to the interests to be served, including the manufacturer and the shipper, and in no other way can the American foreign trade be fostered and maintained; and

"Whereas the port of New York geographically, industrially, and commercially possesses advantages, which, as applied to the particular interests served by the American Republics Line, can be offered by no other port; and

"Whereas a summary of the figures contained in Department of Commerce, Bureau of Foreign and Domestic Commerce, letter of January 4, 1927, covering the months of July to October, 1926, conclusively shows the following comparative values of shipments to and from ports named to Brazil, Uruguay, and Argentina to be as follows:

New York	$115,938,899
Boston	8,317,447
Philadelphia	4,494,354
Maryland	3,124,611
Virginia	4,726,036

"which figures are shown in detail in statement attached hereto and conclusively prove the absurdity of transferring the basic operations to other ports: Therefore be it

"*Resolved*, That the Maritime Association of the Port of New York representing in its membership of 900 all of the maritime interests of the port of New York, strongly protests against the transfer of the American Republics Line to any other port as a base of operations, believing it would be most detrimental to the successful operation of the line. Be it further

"*Resolved*, That copies of these resolutions be transmitted to the President of the United States, members of the United States Shipping Board, to the United States Senators and Members of Congress from the States of New York and New Jersey, and to all other parties interested.

Very respectfully,

JOHN F. MANNING, *Secretary.*

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
New York, January 4, 1927.

Memorandum: To Mr. Brooks, Comptroller's office, Customhouse, New York.

From: Mr. L. J. Mahoney, chief section of customs statistics.

Totals of exports and imports from and into customs districts on east coast of United States to and from countries on east coast of South America by months during the period July to October, 1926, inclusive:

Exports

District from	To Brazil	To Uruguay	To Argentina
July:			
Massachusetts		$6,569	$73,250
New York	$7,038,296	1,279,658	8,376,982
Philadelphia	223,916	146,117	116,236
Maryland	582,746		56,394
Virginia	439,499	79,431	344,504
South Carolina			30,754
Georgia	129,059	19,655	155,182
Florida			119,175
August:			
Massachusetts		3,280	96,535
New York	5,239,882	1,331,257	7,057,470
Philadelphia	680,676	200,492	90,320
Maryland			159,734
Virginia	447,731	58,344	769,206

Exports—Continued

District from	To Brazil	To Uruguay	To Argentina
August—Continued			
South Carolina	$24,880		$133,917
Georgia	46,240		
Florida	79,428	$13,886	225,785
September:			
Massachusetts		30,937	148,646
New York	5,862,877	1,201,397	9,399,098
Philadelphia	62,749	135,565	122,116
Maryland	236,252	24,070	108,786
Virginia	401,067	42,109	636,710
South Carolina	35,291		142,406
Georgia	166,657	21,750	163,910
Florida	23,105	35,887	4,976
October:			
Massachusetts		30,551	227,364
New York	4,452,061	1,078,687	7,425,282
Philadelphia	331,492	194,668	152,186
Maryland	24,317		80,214
Virginia	255,314	112,163	373,327
South Carolina	33,556		26,657
Georgia	154,826	10,750	53,900
Florida		66,435	181,424

Imports

District into	From Brazil	From Uruguay	From Argentina
July:			
Massachusetts	$873,933	$81,453	$937,620
New York	8,453,870	197,735	2,825,231
Philadelphia	128,488	66,986	260,954
Maryland	683,954	3,574	51,293
Virginia	134,558	92,320	46,519
Florida	413,086		19,197
August:			
Massachusetts	1,054,992	217,802	567,173
New York	10,008,591	200,752	3,713,174
Philadelphia	147,759		97,027
Maryland	350,280	30,585	72,420
Virginia	83,093	17,938	41,388
Florida	323,572	5,149	43,153
September:			
Massachusetts	699,271	259,653	824,705
New York	10,734,406	203,358	4,095,176
Philadelphia	89,353	113,976	241,115
Maryland	68,317		645
Virginia	82,986	7,598	39,069
Florida	332,103	4,559	26,090
October:			
Massachusetts	1,371,232	119,840	692,661
New York	9,666,222	330,103	5,894,334
Philadelphia	327,633	35,259	529,271
Maryland	569,829	2,945	8,256
Virginia	159,128	7,850	54,115
Florida	369,053	7,851	33,740

Where no district is specified there were no exports to or imports from the country noted at that district during that month.

L. J. MAHONEY,
Chief, Sections Customs Statistics.

BROOKLYN CHAMBER OF COMMERCE,
Brooklyn, N. Y., January 18, 1927.

Hon. ROBERT L. BACON,
House of Representatives, Washington, D. C.

DEAR SIR: The question of possibly changing the base port of the American Republics Line of steamers from New York to some other Atlantic port was a question of keen interest to the board of directors of the Brooklyn Chamber of Commerce at their meeting last night. After a thorough discussion of the facts pertaining to this operation, the following resolution was passed:

"Whereas the United States Shipping Board has asked the Fleet Corporation for recommendation relative to transferring the basic operation of the American Republics Line from New York to Boston; and

"Whereas the ships are now being operated by the Moore & McCormack Steamship Co., a New York corporation, with their home office in New York; and

"Whereas the principal business of these ships is transacted in the port of New York and the ships are actually loaded and discharged in the borough of Brooklyn: Be it

"*Resolved*, That the Brooklyn Chamber of Commerce vigorously protest against the transference of the home office of this line to a port other than New York, inasmuch as 90 per cent of the support of this line originates and is controlled through the city of New York and the 10,000,000 people residing within a radius of 50 miles of the city of New York.

"That a removal of the home port to Boston or Baltimore or other port would invite confusion and expense as well as inconvenience to the shippers and receivers.

"That the service has already been severely handicapped by lack of continuity of management and political pressure developed through

port jealousy. It is therefore urged that the port of New York and its shippers be given proper reward for their past support of this line and that the home port of this line be retained in New York and be not otherwise disturbed."

We trust that you will take whatever action is possible to insure continuation of New York as the operating port for this service.

Very truly yours,

GRANT E. SCOTT, *Secretary.*

ARMY APPROPRIATION BILL

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill and include therein a statement made by General Reilly, which I referred to in the course of debate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, somewhere in the Bible may be found, substantially: "Mine enemy shall help me." If the article which I am going to insert under my leave to print be from one friendly inclined to the Army, then, indeed, we should ponder over these lines and statements. If he, on the other hand, be consciously or unconsciously unfriendly and his statements, comments, and criticism unjust emanations of a biased and prejudiced mind, then his purpose will be defeated, for there is nothing so certainly doomed to failure as the judgment of an evil-thinking mind. The criticism of the friend of an institution is helpful and its helpfulness is entirely proportionate to the lack of heat, spleen, and venom. More light is thrown upon a subject by one whose thought and mental process are freed from heat. Very frequently a note will be accepted by a bank for a loan, not because of any great faith in the maker but as a result of complete confidence in the indorser. I do not mean to reflect upon the veracity of General Reilly in the remotest way, nor to question the accuracy of his statements when I say that the fact that the Associated Press carried his interview to readers of our great daily newspapers from ocean to ocean meant to the average American reader that the statements made by General Reilly were reliable, dependable, and trustworthy. But, at that, I may be justified in again suggesting that light and heat are not necessarily inseparably associated—

ARMY IS UNDERFED, MEN DEMORALIZED, SAYS GENERAL REILLY—DESERTIONS AT RATE OF 1,000 MONTHLY DECLARED DUE TO DISCONTENT—STRENTH OF REGULARS AND OF GUARD REDUCED—ALL BUT 10,000 OF HORSES AND MULES OVER 17; SHACKS USED AS BARRACKS

NEW YORK, December 21 (by A. P.).—The United States Army was pictured to-day by Brig. Gen. Henry J. Reilly, Rainbow Division war veteran, as a demoralized group of underfed and unhappy men, trooping dejectedly across the military scene on aged, undernourished nags and living in shacks unfit for habitation.

American soldiers, he said, are deserting at the rate of more than 1,000 every month in protest against being made the victims of excessive governmental economy.

In an article entitled "Our crumbling national defense," in the January number of the Century Magazine, issued to-day, General Reilly said the country's defense is in a precarious condition, due to economy measures of the past six years.

The man power of the Army, he wrote, has been cut from the 297,700 officers and men provided by the national defense act of 1920 to a total of 121,700, and that the contemplated strength of the National Guard under the same act has been reduced from 454,600 to 174,270.

MORALE ALSO DAMAGED

"Definite retrogression," he continued, "has set in in our Military Establishment, both in material and in morale, owing to existing conditions; nearly 14,000 men deserted from the Army last year, and many others, seeing their chances of promotion gone, are taking their discharges. The Regular Army officers, discouraged over the state of affairs, are beginning to lose heart.

"The American soldier to-day, in the midst of national prosperity, is being fed with a lighter ration and less variety than before the war. His horse, if he is a mounted man, is given less forage, and in the Artillery his mules are underfed.

"Of 40,100 horses and mules in the Regular Army this year, the average age of over 30,000 is 17 years. The excessive age of the animals renders them unfit for vigorous drills or marches.

"In a majority of cases the officers and men of our Army are living in tumble-down wooden shacks, built as temporary structures when we entered the war 10 years ago. Frequently they must go into their own pockets if their quarters are to be made comfortable.

"In every war we have fought, not excepting the last one, we have suffered unnecessary defeats and excessive casualties because of unqualified officers."

HAS BRILLIANT RECORD

General Reilly, son of an Army officer killed in action in China in 1900, is a West Point graduate, class of 1904. He has served in Infantry, Cavalry, and Artillery branches of the Army and until America entered the World War he was in the British and French ambulance service. He was with the Rainbow Division from its organization, and for a time in 1918 was in command of the Eighty-third Infantry Brigade, although holding the commission of a colonel. In 1921 he was commissioned a brigadier general in the Illinois National Guard. He holds several decorations for bravery, both from this country and France.

As the legalists say, "res ipsa loquitur"—the article speaks for itself.

I am an advocate of adequate national defense. I believe in an Army and a Navy which will be protective in the fullest sense of that word, which will be a monition to all the world that "Semper paratus" is the watchword of Americans. I believe in an Army and Navy for the same reason that I believe in a fire department and a police establishment for our cities, great and small. No one wants to use any one of them, but only the person blind to the history of the world and the obvious facts of human existence can believe that we never will need, not one, but all of them.

This article inspires me to sing again the song I have sung early and late. I want a Navy that will be large enough to meet on equal terms any foe of the future and determine whether this land shall be invaded or not. The first line of defense should be entirely adequate to face the enemy of the inevitable day that lies ahead, when in some tremendous hour our guns will determine whether or not this shall remain yet a little longer the land of the free and the home of the brave. And behind that Navy, as a great precautionary establishment, I want a reasonably sized Regular Army, which will serve as the nucleus of the organization that may, by expansion, under and in accordance with the national defense act, be brought into existence.

What sort of a nucleus is it that we have? The answer is, what sort can you expect to have on a ration of 40 cents and a monthly pay of $30? We may fondly endeavor to delude ourselves with high-flown expressions, garnished and decorated, and furbelows with mellifluous phrases about the unwisdom of considering service in the Regular Army in peace time from the standpoint of the pay involved, but we shall not succeed. Facts are not distorted much—certainly not changed at all—by alliterative sentences any more than was poor Job relieved of his boils by the airy persiflage of his tormentors, who laid the flattering unction to their souls that they were his consolers and were the wise men of their day and the salt of the earth. Does anyone expect the enlisted man in times of peace to represent anything but the hopeless when he is satisfied to barely get along on a dollar a day, when in all other lines bearing some analogy to Army service, such as firemen, policemen, truck drivers, chauffeurs, motormen, conductors on street cars, and a great many other occupations similar to these I have mentioned are securing, and justly so, a remuneration far beyond what the American "Tommy Atkins" gets. Of course, I expect to hear the usual piffle and unconscious bunk and balderdash about the joy of the service and the high character of the trust not being measurable in money—nonsense and flapdoodle!

Just as the laborer is worthy of and entitled to his hire, so is a soldier entitled to a fair compensation and pay. Just as long as you expect to feed and pay them as if they were scullions, just so long will you have the hopeless, the unambitious, the near-derelict forming the basis and background for a superstructure of officers, who are as far socially and intellectually removed from their enlisted subordinates, the "common soldier," as though the ocean rolled between them. If you want a better morale, less desertions, which tell their own tale more eloquently than I can, make the life of a soldier more attractive. I have a great interest in our Army and Navy—knowing the reasons why we have grown rich and great and powerful and strong. I know the necessity for the force necessary to preserve that greatness and protect us from "the lesser breed without the law." Kingdoms by blood gained must be by blood maintained. Whence came England's glory—England, whose drum-beats are heard the world around? Through the mailed fist. Whence came the power of Spain—and why did she lose it? Assyria, Greece, Rome, Carthage, where are they? And why after a rise so brilliant was there a fall so tragic? Why did they fade from the picture? Why have they vanished as leaders in the hosts of the mighty civilization of which they were the forerunners and as the possessors of one not less glittering and impressive than ours?

Having reached the summit of earthly splendor and power they thought their opulence in itself a protection, and as a consequence stumblingly, totteringly went to their destruction and fall—Ichabod—"the glory of thy house is departed" is now written on their ruins. It is true indeed that nations, like the individuals that compose them, are born, they live, die, pass away, and in the fullness of time are forgotten. But just as an individual's life may be extended by proper care and attention, so may the tenure of a nation be prolonged by adequate national defense. When we forget the "common soldier," night—this black night—is at hand. Oblivion is awaiting to take us in its arms and lay us with the mighty nations of the past. Do not believe your opulence will save you if ever your valor leaves you. Remember that Mohammed, an epileptic, wandering over the sands of Arabia, gathered the wild horsemen of the desert, born soldiers, and almost changed not only the customs and manners of Europe but its religion as well, and they knew not money nor its values. Napoleon, when assignats were not worth more than Confederate money is worth to-day, consolidated the broken fragments of the French armies, overran Europe, ransacked their capitals, and made the Louvre the repository for the art treasures of the world. Nations pass out and furnish ruins for far-away travelers of the coming conquerors when they cease to recognize force as the ruling power of the world.

So runs the scroll of human destiny
Written in fire and blood and scalding tears;
Scrawled with wrecked hopes and blasted visionings,
The weary record of ten thousand years.
The weary records of peoples and of kings,
Of empire and of race,
Who unto the law that ruleth earthly things
In ruin yielded place.

One word and I am done. Keep in mind that a wise man once said that "Nations go out under the enervating influence of phrase makers and slogan demons, and that the enemy's guns only complete the work that has been done from the inside.

LEAVE TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Monday next directly after the reading of the Journal and the disposition of the business on the Speaker's table I may be permitted to address the House for not exceeding 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee.

Mr. TILSON. Let me say to the gentleman from Tennessee that there is a conference report to be called up on that occasion. Whether the Speaker would rule that that was on the Speaker's table to be disposed first I do not know.

Mr. GARRETT of Tennessee. I should really like if it could be arranged to come in before the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee to come in befor the conference report?

There was no objection.

LEAVE OF ABSENCE

Mr. HOCH, by unanimous consent, was given leave of absence for to-day on account of important business.

Mr. ALMON, by unanimous consent, was given leave of absence for to-day on account of illness.

ADJOURNMENT

Mr. WOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Friday, January 21, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, January 21, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards (H. R. 15476).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON FOREIGN AFFAIRS

(10 a. m.)

Requesting the President to enter into negotiations with the Republic of China for the purpose of placing the treaties relating to Chinese tariff autonomy, extraterritoriality, and other matters, if any, in controversy between the Republic of China and the United States of America upon an equal and reciprocal basis (H. Con. Res. 45).

COMMITTEE OF THE JUDICIARY

(10 a. m.)

To amend section 9 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, approved October 15, 1914 (H. R. 5582).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize the Secretary of the Navy to proceed with the construction of certain public works (H. R. 11492).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, Executive communications were taken from the Speaker's table and referred as follows:

890. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Commerce for auxiliary fish cultural stations for the fiscal year ending June 30, 1928, amounting to $70,000 (H. Doc. No. 657); to the Committee on Appropriations and ordered to be printed.

891. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for a new Coast and Geodetic Survey vessel for the fiscal year ending June 30, 1927, amounting to $350,000 (H. Doc. No. 658); to the Committee on Appropriations and ordered to be printed.

892. A communication from the President of the United States, transmitting a draft of proposed legislation for consideration in connection with the estimates of appropriations for the Navy Department for the fiscal year ending June 30, 1928, under the appropriation title, "Increase of the Navy" (H. Doc. No. 659); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 13499. A bill authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio; without amendment (Rept. No. 1818). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPROUL of Kansas: Committee on Indian Affairs. S. 2202. An act to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes; with amendment (Rept. No. 1819). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 1490. An act to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York; without amendment (Rept. No. 1821). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 9043. A bill to provide for one additional district judge for the eastern district of Michigan; without amendment (Rept. No. 1822). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16171. A bill for the appointment of an additional circuit judge for the second judicial circuit; without amendment (Rept. No. 1823). Referred to the Committee of the Whole House of the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 376. A bill providing for the appointment of an additional district judge for the northern judicial district of New York; with amendment (Rept. No. 1824). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 3934. A bill to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York; without amendment (Rept. No. 1825). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10595. A bill to create an additional judge in the district of South Dakota; without amendment (Rept. No. 1826). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 7391. A bill to amend and reenact section 105, chapter 5, of the Judicial Code, and for other purposes; with amendment (Rept. No. 1827). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 10665. A bill to provide for one additional district judge for the southern district of California; without amendment (Rept. No. 1828). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINTER: Committee on the Public Lands. H. R. 15812. A bill for the relief of the Kentucky-Wyoming Oil Co. (Inc.); without amendment (Rept. No. 1829). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 15609) granting an increase of pension to Mary Ann Donley, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JACOBSTEIN: A bill (H. R. 16504) amending the World War adjusted compensation act to make loans to World War veterans holding adjusted compensation certificates; to the Committee on Ways and Means.

By Mr. MILLIGAN: A bill (H. R. 16505) to amend section 202 of the World War veterans act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. ZIHLMAN: A bill (H. R. 16506) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119) as amended by section 2 of the act of July 3, 1926 (44 Stat. 812); to the Committee on the District of Columbia.

By Mr. BRITTEN: A bill (H. R. 16507) to authorize an increase in the limit of cost of certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. JENKINS: A bill (H. R. 16508) to regulate immigration and to amend and repeal certain sections of the immigration laws of 1917 and 1924, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. HAUGEN: A bill (H. R. 16509) to amend the packers and stockyards act, 1921; to the Committee on Agriculture.

By Mr. GREEN of Iowa: A bill (H. R. 16510) to authorize the Secretary of the Treasury to enter into a lease of a suitable building for customs purposes in the city of New York; to the Committee on Ways and Means.

By Mr. HAUGEN: Joint resolution (H. J. Res. 334) to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926; to the Committee on Agriculture.

By Mr. SNELL: Resolution (H. Res. 385) amending the rules of the House of Representatives; to the Committee on Rules.

By Mr. HAUGEN: Resolution (H. Res. 386) to provide for the consideration of H. R. 16172, entitled "A bill to amend section 10 of the plant quarantine act, approved August 20, 1912"; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CHRISTOPHERSON: Memorial of the Legislature of the State of South Dakota, senate concurring, house concurrent resolution No. 1, urging Congress to change conditions in the United States Veterans' Bureau that former service men and women of the World War be properly compensated; to the Committee on World War Veterans' Legislation.

By Mr. HALL of Indiana: Memorial of the Senate of the State of Indiana, concurrent resolution No. 2, memoralizing Congress to enact remedial legislation to remove economic inequalities between agriculture and other industries, opposing Government subsidy, but approving an equalization fee; to the Committee on Agriculture.

By Mr. WOOD: Memorial of the Legislature of the State of Indiana, urging Congress to enact remedial legislation affecting agriculture; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTION

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 16511) granting an increase of pension to Dora Martin; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 16512) granting an increase of pension to Marilda A. Watson; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 16513) granting a pension to Mary A. Yauch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16514) granting a pension to Agnes Smith; to the Committee on Pensions.

Also, a bill (H. R. 16515) granting a pension to Murray R. Marshall; to the Committee on Pensions.

By Mr. BYRNS: A bill (H. R. 16516) granting an increase of pension to Sarah H. Gifford; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 16517) for the relief of Thomas J. Parker; to the Committee on Claims.

By Mr. DAVENPORT: A bill (H. R. 16518) granting an increase of pension to Ellen M. Voorhees; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16519) for the relief of Thomas Higgins; to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 16520) granting an increase of pension to Martha J. Caldwell; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 16521) granting an increase of pension to Ada Whitson; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 16522) granting an increase of pension to Sarah Miller; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 16523) granting an increase of pension to Mary J. Corle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16524) granting an increase of pension to Emma J. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16525) granting an increase of pension to Leah D. Barger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16526) granting an increase of pension to Rebecca Crofts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16527) granting an increase of pension to Anna Maria Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16528) granting an increase of pension to Anna E. Hook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16529) granting an increase of pension to Frances C. Mechen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16530) granting a pension to Charles J. Lichty; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 16531) granting a pension to Mary A. Pickrel; to the Committee on Pensions.

Also, a bill (H. R. 16532) granting a pension to Elizabeth B. Fletcher; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 16533) granting an increase of pension to Bessie B. Carpenter; to the Committee on Pensions.

Also, a bill (H. R. 16534) granting an increase of pension to Elizabeth Snyder; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16535) granting an increase of pension to Harriet Malinda Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16536) granting an increase of pension to Jerusha H. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16537) granting an increase of pension to Sarah A. Lane; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 16538) granting a pension to Mary Helen Grant; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 16539) granting a pension to Sarah Dallas; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 16540) granting an increase of pension to Sallie Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16541) granting an increase of pension to Betsey E. McAdow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16542) granting an increase of pension to Effie M. Livingston; to the Committee on Pensions.

By Mr. WOLVERTON: A bill (H. R. 16543) granting a pension to Lelia M. Marple; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: Resolution (H. Res. 384) to provide for an attendant to the retiring room of the female Members of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5196. By Mr. ALDRICH: Petition of Mrs. Hattie M. Clarke, of Hope Valley, R. I., favoring passage of legislation increasing pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

5197. By Mr. BEERS: Petition of citizens of Mifflin County, Pa., urging enactment of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5198. By Mr. BLOOM: Resolution of American Legion, third district, Department of Washington, favoring national defense, etc.; to the Committee on Naval Affairs.

5199. Also, petition of American Manufacturers' Export Association, requesting an early ratification of the proposed commercial treaty between the United States and Turkey now pending before the Senate; to the Committee on Foreign Affairs.

5200. Also, petition of American Manufacturers' Export Association, favoring American merchant marine, with ships privately owned and operated by American capital, and requesting laws which will place American shipowners in position to compete with foreign shipping companies; to the Committee on the Merchant Marine and Fisheries.

5201. Also, petition of Rainbow Division, Veterans of New York, requesting retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

5202. By Mr. BRIGHAM: Petition of H. L. Williamson, W. W. Wilson, and 60 other citizens of the town of Bristol, Vt., favoring the passage of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5203. Also, petition of Sarah T. Pease, of Burlington, Vt., favoring the passage of legislation for the relief of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5204. By Mr. BRUMM: Petition of certain residents of Frackville, Pa., urging passage of legislation increasing pensions of Civil War veterans and others; to the Committee on Invalid Pensions.

5205. By Mr. CHALMERS: Petition of about 100 constituents of Toledo, Ohio, urging an increase in the pensions of Civil War veterans and widows; to the Committee on Invalid Pensions.

5206. By Mr. COOPER of Ohio: Petition of Milan Mather and other residents of Newton Falls, Ohio, favoring an increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5207. By Mr. CULLEN: Resolutions of the Maritime Association of the Port of New York, regarding the St. Lawrence River project; to the Committee on Rivers and Harbors.

5208. By Mr. DAVENPORT: Petition of residents of Herkimer and Oneida Counties, N. Y., favoring the enactment of pending legislation increasing the pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5209. By Mr. EATON: Petition of Mr. Leon W. Goldy, 827 South Broad Street, Trenton, N. J., and 19 other Trenton citizens, urging that immediate steps be taken to bring to a vote the Civil War pension bill, and urging support of bill by Members of Congress; to the Committee on Invalid Pensions.

5210. By Mr. ROY G. FITZGERALD: Petition of 74 voters of Montgomery County, Ohio, praying for the passage of a bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5211. By Mr. FUNK: Petition of citizens of Bloomington, Ill., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

5212. By Mr. GALLIVAN: Petition of Boston Chamber of Commerce, Boston, Mass., urging the enactment of proper legislation during the present session of Congress to clear up the situation regarding radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

5213. By Mr. GARBER: Petition of Nile Huff Post, No. 14, the American Legion, Ponca City, Okla., urging amendment of the World War adjusted compensation act; to the Committee on World War Veterans' Legislation.

5214. By Mr. GRAHAM: Petition of Jennings C. Wise, counsel for James Deere; to the Committee on Indian Affairs.

5215. By Mr. HALL of Indiana: Petition of Albert Lucas and 13 other citizens of Jonesboro, Ind., to bring to vote a Civil War pension bill; to the Committee on Invalid Pensions.

5216. By Mr. HERSEY: Petition of N. H. Crosby and many other citizens of Milo, Me., urging passage of bill to aid Civil War veterans and their widows; to the Committee on Invalid Pensions.

5217. By Mr. HICKEY: Petition of Mr. C. A. Bondurant and other citizens of Plymouth, Ind., advocating an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5218. By Mr. JOHNSON of Indiana: Petition of various citizens of Terre Haute, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

5219. Also, petition of various citizens of Brazil, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

5220. By Mr. KINDRED: Petition of the Medical Society of the County of Queens, N. Y., urging its Representatives in Congress, wholeheartedly, to support and work for the passage of a law providing for the manufacture and distribution by physicians on prescription of medicinal whisky of known purity and alcoholic content; to the Committee on the Judiciary.

5221. Also, petition of citizens of Brooklyn and New York City to the President and Vice President of the United States and the Members of the Sixty-ninth Congress, deploring the inefficiency of the Government relative to the leasing of the Muscle Shoals plants and dam, and urging the Sixty-ninth Congress to make a disposition of the matter during the present session either by Government operation or to a bidder (not in the power group) who will agree to operate the nitrate plants and dam immediately at full capacity, and distribute both power and fertilizer at a price not to exceed a fair rate of return; to the Committee on Military Affairs.

5222. By Mr. KURTZ: Petition from residents of Altoona, Blair County, Pa., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows; also petition from residents of Bedford County, Pa., favoring above-mentioned legislation; to the Committee on Invalid Pensions.

5223. By Mr. LEA of California: Petition of 57 residents of Humboldt County, Calif., favoring passage of the Civil War pension bill; to the Committee on Invalid Pensions.

5224. By Mr. LEAVITT: Petitions of citizens of Sidney, Mont., favoring increases of pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5225. By Mr. MILLER: Petition of citizens of Seattle, Wash., in favor of increased pensions for Civil War veterans and removal of limitation on date of marriage of Civil War widows; to the Committee on Invalid Pensions.

5226. By Mr. MORROW: Petition of Chamber of Commerce, Las Cruces, N. Mex., indorsing Bratton-Morrow bill granting certain lands to the New Mexico Agricultural College for experimental purposes; to the Committee on the Public Lands.

5227. By Mr. O'CONNELL of New York: Petition of the American Legion of the Third District, Department of Washington, favoring sufficient appropriations be made which will place the United States Naval Establishment in all of its branches on a plane that is rightfully due the people of the United States; to the Committee on Naval Affairs.

5228. Also, petition of Mrs. Walter Weyl, of New York, favoring the passage of the Porter resolution requesting revision of all treaties between the United States and China; to the Committee on Foreign Affairs.

5229. Also, petition of the Rainbow Division, veterans of New York, favoring the passage of the Fitzgerald bill (H. R. 4548); to the Committee on World War Veterans' Legislation.

5230. Also, petition of the American Manufactures Export Association, of New York, favoring the passage of an early ratification of the proposed commercial treaty between the United States and Turkey; to the Committee on Foreign Affairs.

5231. Also, petition of the American Manufactures Export Association, of New York, with reference to the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

5232. Also, petition of the American Manufactures Export Association, of New York, favoring the passage of the Hoch

bill (H. R. 3858); to the Committee on Interstate and Foreign Commerce.

5233. Also, petition of the Dental Items of Interest Publishing Co., of Brooklyn, N. Y., with reference to third-class mail matter; to the Committee on the Post Office and Post Roads.

5234. Also, petition of the American Manufactures Export Association, favoring the passage of House bill 8997, to permit the import of cigars via parcel post; to the Committee on Ways and Means.

5235. Also, petition of citizens of the State of New York and New Jersey, favoring disposition of Muscle Shoals at this session of Congress, either by Government operation or to a bidder; to the Committee on Military Affairs.

5236. By Mr. ROWBOTTOM: Petition of Minnie D. Snyder and others, of Spencer County, Ind., that the bill increasing pensions of Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

5237. Also, petition of Dr. Thomas W. Wilson and others, of Posey County, Ind., that the bill increasing pensions of Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

5238. By Mr. SHALLENBERGER: Petition of Mrs. Mary Conyers and others, urging passage of legislation increasing pensions of veterans and others of the Civil War; to the Committee on Invalid Pensions.

5239. By Mr. SINCLAIR: Petition of residents of Killdeer, Dunn County, N. Dak., for relief of widows of Civil War veterans; to the Committee on Invalid Pensions.

5240. By Mr. SNELL: Petition of residents of Essex and Clinton Counties, N. Y., urging legislation increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5241. By Mr. STRONG of Pennsylvania: Petition of citizens of Homer City, Pa., in favor of the Sunday rest bill for the District of Columbia (H. R. 10311); to the Committee on the District of Columbia.

5242. Also, petition of citizens of Brookville, Pa., opposed to any action that would annul the eighteenth amendment; to the Committee on the Judiciary.

5243. By Mr. TAYLOR of New Jersey: Petition from sundry citizens residing in Bayonne, N. J., urging the immediate consideration of legislation for the further relief of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5244. By Mr. WOLVERTON: Petition of Orel Skidmore and other voters of Braxton County, W. Va., asking Congress to consider a bill for the relief of widows of Civil War veterans; to the Committee on Invalid Pensions.

5245. By Mr. WOODYARD: Petition of citizens of Parkersburg, W. Va., favoring additional pension legislation for soldiers of Civil War and their widows; to the Committee on Invalid Pensions.

5246. By Mr. CHAPMAN: Petition signed by W. E. Roser, Myrtle W. Roser, Tom W. Walters, and numerous other citizens of Fayette County, Ky., urging immediate steps to bring to a vote pending Civil War pension bills in order that relief may be accorded needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5247. Also, petition signed by B. F. Adcock, T. S. Scott, E. P. Berryman, and numerous other citizens of Winchester, Clark County, Ky., urging immediate steps to bring to a vote pending Civil War pension bills in order that relief may be accorded needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5248. Also, petition signed by Jerry Thomas, Henry Sharp, Andrew Jackson, and numerous other citizens of Georgetown, Scott County, Ky., urging immediate steps to bring to a vote pending Civil War pension bills in order that relief may be accorded needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *January 21, 1927*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we bless Thee for every privilege given to us. We may fail many times in the understanding of duty, but O, our Father, Thou art ready to deal with us lovingly. Encourage every purpose of noble endeavor and direct our paths in the way of Thine own choosing. Accept of us at this time, for Jesus' sake. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McLean	Sackett
Bayard	Gerry	McMaster	Schall
Bingham	Gillett	McNary	Sheppard
Blease	Glass	Mayfield	Shipstead
Bratton	Goff	Means	Shortridge
Broussard	Gooding	Metcalf	Smith
Cameron	Gould	Moses	Smoot
Capper	Greene	Neely	Steck
Caraway	Hale	Norbeck	Stephens
Copeland	Harris	Norris	Stewart
Couzens	Harrison	Nye	Swanson
Curtis	Heflin	Oddie	Trammell
Dale	Howell	Overman	Tyson
Deneen	Johnson	Pepper	Wadsworth
Dill	Jones, N. Mex.	Phipps	Walsh, Mass.
Edge	Jones, Wash.	Pine	Walsh, Mont.
Edwards	Kendrick	Pittman	Warren
Ernst	Keyes	Ransdell	Watson
Ferris	King	Reed, Mo.	Weller
Fess	La Follette	Reed, Pa.	Wheeler
Fletcher	Lenroot	Robinson, Ark.	Willis
Frazier	McKellar	Robinson, Ind.	

Mr. COPELAND. I wish to announce that the Senator from Maryland [Mr. BRUCE] is necessarily absent by reason of illness.

Mr. EDGE. I desire to announce that the Senator from Idaho [Mr. BORAH] is engaged on business of the Senate.

Mr. GERRY. I was requested to announce that the senior Senator from North Carolina [Mr. SIMMONS] is necessarily detained from the Senate by illness. Had he been present yesterday, when the vote was taken on the Smith case, he would have voted against seating the Member designate.

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 16249) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS

Mr. DILL presented a memorial of sundry citizens of Spokane, Wash., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DENEEN presented petitions of sundry citizens of Chicago, Ill., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

AFFAIRS IN MEXICO

Mr. SMOOT presented a telegram, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF., *January 15, 1927.*

Hon. REED SMOOT,
United States Senate:

You have doubtless seen copies of telegram and that has been sent broadcast by Raymond B. Fosdick's organization (with headquarters at 18 East Forty-first Street, New York), in which I, among others, am urged to lend my signature to a newspaper article criticizing the administration's policy in the Mexican situation. I have replied as follows: "I decline to permit use of my signature in the way suggested in your message yesterday. I have no sympathy for sentimental meddling with matters affecting the rights of persons and property of American citizens in Mexico or any other foreign nation; on the contrary, I believe the present administration is capable of representing the American people and can be trusted by them to protect their interests in a way that will be not only just and honorable, but more creditable to them and to their country, than would be a policy of continued temporizing on matters of individual and national rights in which they have already been overpatient and tolerant." I probably would not have replied to the message at all except for the last part of it, requesting that I and presumably others telegraph personally to the President and Senators. I would not want silence on my part to be construed by anybody as acquiescence in being made a party to this movement by the possible unauthorized use of my name. Best wishes.

D. C. JACKLING.